LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume V

(6th September to 20th September 1927)

FIRST SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY, 1927



CALCUTTA GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH
1928

Price Rs. 7 or 11s. 3d.

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LEGISLATIVE ASSEMBLY.

Tuesday, 6th September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

COMMUNAL DISTURBANCES.

876. *Mr. Narayan Prasad Singh: (*a*) Will Government be pleased to state the number of Indians killed and the loss of property on account of the last year's communal disturbances in India?

(*b*) Will Government be pleased to state the amount spent from the Government Treasury for the suppression of communal disturbances?

(*c*) Will Government be pleased to state what measures they propose to adopt to stop these communal disturbances in India in future?

The Honourable Mr. J. Crerar: (*a*) The number of persons reported to have been killed in the communal disturbances since the 1st September 1926 is 99. Statistics of loss of property are not available.

(*b*) The expenditure falls on Local Governments, and the Government of India have no information.

(*c*) I would refer the Honourable Member to the answer on this subject given by my predecessor to Mr. Harchandrai Vishindas' question of the 18th August, 1926.

Mr. Narayan Prasad Singh: Will the Honourable Member give the answer in Hindustani so that I may understand the answer and put supplementary questions, if necessary?

The Honourable Mr. J. Crerar: Am I to understand, Sir, that the Honourable Member wants me to read the reply in Hindustani? I think, Sir, I should prefer to communicate the answer in writing to the Honourable Member.

Mr. Gaya Prasad Singh: Now he is deprived of the right of putting supplementary questions, because he cannot understand the answer given in English.

The Honourable Mr. J. Crerar: I think I must ask the Honourable Member to put down his question in writing and I will answer it to the best of my ability.

Mr. Gaya Prasad Singh: It is the right of every Member to expect Government's answer to be intelligible to him.

Mr. A. Rangaswami Iyengar: On a point of procedure, Sir. I think, according to the rules of procedure of this House, it is permissible for a Member of this House, if he does not know English, to use his own

A

vernacular and I think in using his vernacular, he has got the right to expect an answer in the language which he understands.

Mr. A. K. Dalal : I have got a question put by U Tok Kyi Am I to understand that I have to answer him in Burmese ?

Mr. A. Rangaswami Iyengar : I may say at once in reply to that, that the rule is if a Member is acquainted with English, he will use the English language, and if he is not acquainted with English, he is permitted and he is entitled to use his own vernacular and he is entitled to expect an answer in his own vernacular

Mr. President . Will the Honourable Member cite the Standing Order that he is referring to ?

Diwan Chaman Lall : May I ask, Sir, whether the original question was put in English or the vernacular (*An Honourable Member* : " English ") Is it not therefore to be presumed that the Honourable Member who put his question in English knew the vernacular ?

Mr. Gaya Prasad Singh : The question of Mr. Narayan Prasad Singh was put in the vernacular, and it is only the English translation that is before the House

The Honourable Sir Bhupendra Nath Mitra : Is not the Honourable Mr. Crerar entitled to answer in his own vernacular ? (Laughter)

Mr. A. Rangaswami Iyengar : I refer to Rule 14 of the Indian Legislative Rules which says :

" The business of the Indian Legislature shall be transacted in English, provided that the President may permit any Member unacquainted with English to address the Council in a vernacular "

Diwan Chaman Lall : May I suggest, Sir, that the answer to this question may be postponed till to-morrow, so that we may think over this question in the meanwhile

Mr. President : Rule 14 says .

" The business of the Indian Legislature shall be transacted in English

—Honourable Members know that it is transacted in English—

" provided that the President may permit any Member unacquainted with English to address the Assembly in a vernacular language."

This applies to the general rules of procedure, that is to the speeches made in this House If the Honourable Member does not know English and the Chair is satisfied that he cannot fluently speak the English language, then the Chair might permit him to speak in his own vernacular. But this does not apply to the putting of questions and the answering of questions ; and in any case it certainly does not apply to the answering of questions.

Mr. A Rangaswami Iyengar : May I say a word on this point I think the proceedings of the Assembly include the putting of questions and the giving of answers, and the speeches made on questions are as much speeches as those made on Bills and motions. Without by any means saying that the Honourable the Home Member is bound to give his answer only in English, I think it is only fair that, when a questioner does not understand English, the answer should be translated into the

vernacular for the benefit of the Member putting the question in order to enable him to put supplementary questions. It is only fair that the answer which the Home Member gives should be translated and sent to the questioner in advance so that he may put supplementary questions.

Mr. M. Ruthnaswamy : Will it not be possible to have an interpreter in the Assembly for interpreting English questions into the vernacular and vernacular answers into English They have interpreters in the Punjab Legislative Council

Mr President : What the Honourable Member for Madras suggests is that translations of the replies should be supplied in advance to the Honourable Member who puts the question, so that he may be ready, if need be, to put supplementary questions. That is a suggestion which the Chair will take into consideration in consultation with the Honourable the Home Member, and on some future occasion will state what the procedure in such cases should be.

Mr Gaya Prasad Singh : What about the answer to this particular question ?

Mr. Ram Narayan Singh : I beg to ask a supplementary question, that the reply to supplementary questions also may be in Hindustani.

Defence of India.

877. ***Diwan Chaman Lall** : (*a*) Has the attention of the Government been drawn to an article by the Military Correspondent of the London *Daily Telegraph,* dated July 1st, 1927, regarding the defence of India ?

(*b*) If so, will the Government be pleased to state whether any friction has arisen between the authorities in Great Britain and in India in regard to the questions of defence or questions relating to the formation of an Expeditionary Force ?

(*c*) Will Government be pleased to lay papers connected with the correspondence that has passed between Whitehall and Simla or Delhi in this connection on the table ?

Mr G M. Young : (*a*) Yes, Sir.

(*b*) and (*c*) No, Sir.

Diwan Chaman Lall : Does it mean that there is a consensus of opinion between Whitehall and the Government of India in regard to this matter ?

Mr. G. M. Young : Which matter ?

Diwan Chaman Lall : The matter referred to in part (*a*) of the question

Mr. G. M. Young : The matter in that article, from the point of view of the Government, does not exist.

Diwan Chaman Lall : May I ask the Honourable Member whether his attention has been drawn to the fact that English newspapers have commented upon the dissension that has arisen between Whitehall and Simla in regard to military defence.

Mr. G. M. Young : I am aware that dissensions have been mentioned , but, as I have already stated, those dissensions do not exist

Diwan Chaman Lall : May I take it that the Government of India have agreed to the proposals of the British Government ?

Mr. G M. Young : The Honourable Member assumes that the British Government have made proposals which, in fact, as I have already stated, they have not made.

Diwan Chaman Lall : Will the Honourable Member inform the House whether any proposals were made ?

Mr. G M Young : They are non-existent

Diwan Chaman Lall : I take it that the article that appeared in the *Daily Telegraph* is absolutely incorrect.

Mr. G. M. Young : It is entirely without foundation

FUMIGATION OF AMERICAN COTTON.

878. ***Mr. E. F Sykes** : (*a*) Have Government considered whether the remission of charges for fumigation of American cotton will act as a bounty on its importation, and considered the question of giving a countervailing bonus to producers of Indian cotton ?

(*b*) Is it a fact that Government is considering the recommendation of the Cotton Industry Tariff Board that the Central Revenues should bear the cost of fumigating imported American cotton ? If so, are Government prepared also to consider the advisability of negotiating with the Government of the United States in order to obtain similar action on the part of America and a consequent reduction in the import charges on Indian cotton imported into the United States ?

The Honourable Sir George Rainy : The suggestions contained in the Honourable Member's question will be considered

ISSUE OF INSTRUCTIONS BY THE EDUCATION DEPARTMENT REGARDING THE SUPPLY OF INFORMATION TO THE PRESS.

879. ***U. Tok Kyi** : (*a*) Is it a fact that the Education Department of the Government of India has issued instructions that no information is to be given separately to any newspaper except to the " Associated Press " ?

(*b*) If so, will the Government be pleased to state the reasons why ?

Mr. A. R. Dalal : (*a*) No

(*b*) Does not arise.

STATE MANAGEMENT OF THE BURMA RAILWAYS

880. ***U. Tok Kyi** : (*a*) Is it not a fact that the existing contract between the Government and the Burma Railway Company will expire on the 31st December 1928 ?

(*b*) If so, will the Government be prepared to take ... Railway back from the Company and run it themselves ?

(*c*) Are the Government aware that the Bu... is in favour of State management ?

EMPLOYMENT OF ROYAL ENGINEER OFFICERS N ADMINISTRATIVE APPOINTMENTS ON STATE RAILWAYS.

884 ***Lieut.-Colonel H. A. J. Gidney**: Will the Government be pleased to state whether or not, the wide utilisation of the services of Royal Engineer officers in administrative appointments on Indian State Railways, is an answer to the Indianisation of those Railways?

Mr. A. A. L. Parsons: Royal Engineer officers appointed to the Railways are treated as having been recruited in England, and the appointment of such officers does not affect the question of Indianisation.

NUMBER OF ROYAL ENGINEER OFFICERS EMPLOYED ON STATE RAILWAYS.

885. ***Lieut.-Colonel H. A. J. Gidney**: (*a*) Will the Government be pleased to state the number of Royal Engineer Officers employed on Indian State Railways giving the nature of each such appointment?

(*b*) Is it a fact that the salaries of such Royal Engineer Officers are debited to Indian revenues?

Mr A. A. L Parsons: (*a*) The information may be obtained from the Railway Board's Classified List, a copy of which is in the Library.

(*b*) Yes.

Lieut.-Colonel H A J Gidney: I notice the answer to part (*b*) of the question is "Yes". Can the Honourable Member give the reason "*Why*" *it is* "*Yes*"?

Mr. A. A L. Parsons: My answer to the original question was "Yes" The reason why their salaries are debited to Indian revenues is that they are employed for the benefit of India.

Lieut.-Colonel H A. J. Gidney: That does not answer my question at all, Sir.

EMPLOYMENT OF ROYAL ENGINEER OFFICERS ON STATE RAILWAYS.

886. ***Lieut.-Colonel H. A. J. Gidney**: (*a*) Are Royal Engineer officers borne on the permanent cadres of State Railway Services?

(*b*) In the event of war, particularly, out of India, is it intended that such officers should continue to be employed on Indian Railways?

(*c*) Will Government be pleased to say how many Royal Engineer Officers there were on State Railways in 1914, and how many were retained on Railways in India after the declaration of and during the currency of the Great War and in what capacities?

Mr. A A. L. Parsons: (*a*) Yes.

(*b*) Such officers are liable to be recalled to military duty in the event of war.

(*c*) In 1914 there were 55 Royal Engineer officers in railway employ. Of these, 47 were recalled to military duty in the last Great War. The officers retained on Railways were employed as *Agent, Traffic Manager*, Government Inspector of Railways, etc.

Lieut.-Colonel H. A. J. Gidney: Arising out of the Honourable Member's answer, will he please state whether it proves or disproves that the entertainment of Royal Engineer officers on Indian Railways neither is a necessity nor correct ?

Mr. A. A L. Parsons: I am afraid I am not prepared to give an answer offhand.

Sir Hari Singh Gour: May I ask the Honourable Member what are the duties of Royal Engineer officers employed on the Railways ?

Mr. A. A L. Parsons: They are employed in a good many engineering posts, occasionally as Divisional Superintendents, sometimes as Agents, Government Inspectors of Railways, and so on They form part of our engineering cadre.

Sir Hari Singh Gour: Cannot indigenous talent be employed for that purpose ?

Mr. A. A. L Parsons: As I have explained the Royal Engineer officers are considered as part of our European recruitment. They come into the 25 per cent. of European recruitment agreed upon.

Sir Hari Singh Gour: The object in employing these Royal Engineer officers is not the service they render to the Railways but extraneous considerations enter into their employment ?

Mr. A. A. L. Parsons: I should not be prepared to make quite so definite a statement. It is not easy to get a sufficient number of competent engineering officers and I should not like to say that we employ them in peace time purely as a war reserve.

Sir Hari Singh Gour: Has any attempt been made to recruit local officers to replace them ? The Honourable Member says it is not quite so easy, but has any attempt been made ?

Mr A. A. L Parsons: Does the Honourable Member mean Indian officers ?

Sir Hari Singh Gour: Yes

Mr. A. A. L. Parsons: We take Indian officers when we can recruit them locally up to the 75 per cent. limit. As I have explained, the Royal Engineer officers do not come against Indian recruitment at all. They come against the 25 per cent. of European recruitment.

Mr. M. Ruthnaswamy: May I ask whether it is the practice in England to employ Royal Engineer officers on the railways ?

Mr A. A. L. Parsons: I am afraid I must ask for notice.

Lieut.-Colonel H. A J. Gidney: Will the Honourable Member kindly tell me whether the employment on Indian Railways of Royal Engineer officers is similar in policy to the employment of I. M. S. officers in the Civil Medical Service—in other words, a war reserve ?

Mr. A. A. L. Parsons: As I have just explained in reply to Sir Hari Singh Gour, I am not prepared to say without qualification that we employ them purely as a war reserve I should have to look much more carefully into the matter than I have done at present.

Lieut.-Colonel H. A. J. Gidney: Another question, Sir. Does Indianisation of the Railways, in so far as it refers to the 25 per cent.

of European recruitment refer to and include the employment of purely Military Royal Engineer officers as is being done to-day or should this percentage be entirely recruited from engineers outside the Army ?

Mr A. A. L. Parsons : I am afraid I do not understand the Honourable Member's question.

Lieut.-Colonel H. A. J. Gidney : Is it right that in the entertainment of 25 per cent of European railway engineers, as ordained by the Lee Commission, military engineers should be included, because Royal Engineer officers are military officers ?

Mr. A A L. Parsons : The Lee Commission's recommendation, to the exact terms of which I should like to refer the Honourable Member, applies to the number of engineers, whether they are military or civil, to be taken in by the Railways The effect of that recommendation is that we have bound ourselves to recruit as quickly as possible up to 75 per cent. of Indians for vacancies in the Railway Departments as a whole. If we take Royal Engineer officers into the Railways they count against the balance of 25 per cent English recruitment.

Sir Hari Singh Gour : Is not that a deviation from the policy of commercialising the Railways ?

Lieut -Colonel H A. J. Gidney : May I ask another supplementary question, Sir ?

Mr President : Will the Honourable Member pass on to the next question ?

EMPLOYMENT OF ROYAL ENGINEER OFFICERS ON STATE RAILWAYS.

887. **Lieut.-Colonel H. A. J. Gidney** : Is the practice of employing Royal Engineer Officers in posts other than those of Agents, peculiar to State Railways alone, and if so, why ?

Mr A A. L Parsons : Most of the Royal Engineer officers in railway service are employed on State-managed Railways though occasionally their services are placed at the disposal of Company-managed Railways at the request of the Boards of Directors.

Pandit Hirday Nath Kunzru : May I ask why Royal Engineers are employed in the Traffic Department and whether engineers others than Royal Engineers are also so employed ?

Mr. A. A. L. Parsons : I am not sure of the answer to the second part of Pandit Hirday Nath Kunzru's question, but I think that engineers other than Royal Engineers are occasionally employed as traffic officers and in other departments than the engineering departments of the Railways The answer to the first part of the question is that the natural aptitudes of individuals are taken into consideration.

Lieut.-Colonel H A J. Gidney : In Indianisation of the superior railway service, do the Government subscribe to the policy of recruiting Royal Engineer officers, who are purely military officers, to fill up the 25 per cent of European recruitment, which should be obtained from outside the Army ? Is this Indianisation or militarisation of the superior railway services ?

Mr. A. A. L. Parsons : I must ask for notice : I am afraid I could not possibly make a statement offhand.

Pandit Hirday Nath Kunzru : May I ask whether the recruitment for these posts as they fall vacant is conducted separately ?

Mr. A. A. L. Parsons : Separately from what ?

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member consider the matter and let me have an answer to my question in the course of time, since he cannot do so now ?

Mr. A. A. L. Parsons : If the Honourable Member will put down a question I will do my best to answer him.

Pandit Hirday Nath Kunzru : Are not Transportation Officers separately recruited from the Royal Engineers ?

Mr. A. A. L. Parsons : Yes, Sir.

Pandit Hirday Nath Kunzru : Is it not the case then that in these posts which should be given to Transportation Officers Royal Engineers are employed ?

Mr. A. A. L. Parsons : I should like to know which post the Honourable Member refers to as those which ought to be filled by traffic officers.

Pandit Hirday Nath Kunzru : I refer to the posts to which the Honourable Member himself referred when he said that Royal Engineers were occasionally employed in traffic posts. As no reply was given to this, the Honourable Member said : "The Honourable Member might think over it and let me have his reply afterwards". (Laughter.)

MARTIAL AND NON-MARTIAL RACES OF INDIA.

888. ***Mr. Ram Narayan Singh :** (*a*) Will the Government be pleased to state the following :

(*i*) which are the castes, classes or communities recognised by the Government as the martial races of the country ?

(*ii*) what are the special qualities, physical, moral or otherwise on which this recognition is based ?

(*iii*) which are the districts and provinces to which these martial races belong ?

(*b*) Are the Anglo-Indians, Christians and Muhammadans living all over the country and pursuing any profession recognised as martial races ?

(*c*) How and when have the Government come to classify some communities as martial races and the rest as non-martial races ?

(*d*) Are the Government in possession of any evidence to show that the martial spirit of a race has undergone a change on account of a permanent change in the residence of that race from one province to another ? And if so, what ?

(*e*) Have the Government ever made any attempt to create a military spirit in any of the communities not recognised by them as martial, and if so, when and with what results ?

Mr. G. M. Young: I propose to answer the question as a whole. No particular caste, class or community is officially recognized by Government as martial or otherwise, but units of the Indian Army have always been organized on a class basis . and as there are limits to the size of that army, only a limited number of classes can ordinarily find a place in it. The classes selected are those which, from the point of view of military efficiency alone, the military authorities prefer to enlist.

Nawab Sir Sahibzada Abdul Qaiyum: Is it not a fact that the Government generally recruit from the classes which, according to Manu's classification, were considered to be the fighting races? That is to say, the Government found certain classes to be martial classes according to Manu's classification and they carry on their recruitment according to that classification?

Mr G M. Young: I am afraid my Honourable friend has the advantage of me

Mr. Ram Narayan Singh: May I know what the Government mean by the martial races of the country?

Mr. G. M Young: Sir, it is I that want to know what my Honourable friend means by the martial races of the country.

STOPPAGE OF RECRUITMENT FOR THE ARMY IN BIHAR AND ORISSA.

889. ***Mr. Ram Narayan Singh**: (*a*) Are not the Government aware of the fact that there is great discontent and heart-burning in the Province of Bihar and Orissa owing to the stoppage of military recruitment therein?

(*b*) Are Government prepared to take steps to allay the said discontent and heart-burning?

Mr G. M. Young: (*a*) and (*b*). The answer is in the negative.

TOTAL NUMBER OF MEN AND OFFICERS RECRUITED FROM BIHAR AND ORISSA DURING THE GREAT WAR.

890. ***Mr. Ram Narayan Singh**: (*a*) Will the Government be pleased to state the total number of men and officers both combatants and non-combatants recruited from the Province of Bihar and Orissa, district by district, during the last European War?

(*b*) Are any of them in service yet? If so, how many and in what capacities?

Mr. G. M Young: (*a*) The total number of officers and men recruited from the Province of Bihar and Orissa during the War was 41,552. Of this number 8,576 were combatants. Our statistics do not show the numbers recruited by Districts, but by Provinces.

(*b*) The information asked for is not available, but probably very few of those recruited during the War are still serving.

NUMBER OF BIHARIS GRANTED KING'S COMMISSIONS, ETC.

891. ***Mr. Ram Narayan Singh**: Will the Government be pleased to state the following:

(*a*) How many Biharis have got the King's commissions yet?

(b) How many of them are cadets at Sandhurst now?

(c) How many Biharis are in the Prince of Wales' College at Dehra Dun?

Mr. G. M. Young: (a) One.

(b) None.

(c) Two.

SHORT NOTICE QUESTION AND ANSWER.

ADDRESS DELIVERED BY SIR EDWARD GRIGG TO THE LEGISLATIVE COUNCIL OF KENYA.

Mr. R. K. Shanmukham Chetty: With your permission, Sir, I would like to ask the following short notice question which my Honourable friend Mr. Bajpai has kindly consented to answer:

1. Has the attention of Government been drawn to the report in the Press of the address delivered by Sir Edward Grigg to the Legislative Council of Kenya?

2. (a) Is it a fact that the Feetham Commission report on Local Government has been approved by the Secretary of State for the Colonies and the result of it would be to reduce the proportion of Indian representation on institutions of Local Government?

(b) Were the Government of India consulted before the Report was finally accepted by the Secretary of State for the Colonies and have Government acquiesced in the action of the Secretary of State? If not, will Government be pleased to state what action they have taken or propose to take in the matter?

3. Is it a fact that the constitution of the Legislature of Kenya is proposed to be changed with a view to give an elected majority? If so, will the Government be pleased to state what steps have Government taken to adequately protect these interests?

Mr. G. S. Bajpai: With your permission, Sir, I shall answer the question in the order enumerated by the Honourable Member opposite.

1. The reply to the Honourable Member's first question is in the affirmative.

The answer to part 2 (a) of the second question is as follows:

The Government of India have no information apart from what has appeared in the Press but have made inquiries.

As regards part (b), the answer to the first part is in the negative, and the second part does not arise.

3. (a) The Government of India have no information, but have made inquiries.

(b) Does not arise.

Mr. R. K. Shanmukham Chetty: Was not the attention of the Government drawn to the fact that the Feetham Commission was engaged in making certain enquiries into the administration of the Local Government of the Kenya Colony?

Mr G S. Bajpai: No, Sir.

Mr R. K. Shanmukham Chetty. Am I to understand, Sir, that the Government of India were not aware that the Feetham Commission was appointed for the purpose of making certain inquiries into the administration of the Local Government of the Kenya Colony ?

Mr G. S Bajpai: The Government of India had no official information on this subject at all It was about the middle of July last that a gentleman from Kenya visited India, and he also came up to Simla and informed me in an informal conversation that Mr. Justice Feetham and a number of other people had been making inquiries into the question of Local Government and administration in Kenya and had submitted a report which was confidential

Mr R K Shanmukham Chetty: When that fact came to the knowledge of the Government of India, did they take any action ?

Mr G S. Bajpai: The Government of India could not possibly take any action on knowledge which was derived from purely informal conversation with a private individual.

Mr. A Rangaswami Iyengar: May I know whether the Government of India did not think it right to address the Secretary of State for the Colonies and find out whether this report was correct ? Was it not sufficient notice to the Government of India to make inquiries on a matter of this urgency ?

Mr G S. Bajpai: I have already said that information derived from informal conversation with a private individual cannot be made the basis of State action or of State correspondence

Mr. A. Rangaswami Iyengar: Am I right, Sir, in taking it that the reports that have constantly appeared in the Press that the Feetham Commission have submitted their report and that the Government of India have not taken any notice of it are correct ?

Mr G S Bajpai: I confess I cannot claim my Honourable friend's journalistic omscience, but so far as I am aware, the first notice of the report of the Feetham Commission that appeared in the press was in connection with Reuter's report of the address by Sir Edward Grigg to the Legislative Council of Kenya.

Pandit Hirday Nath Kunzru: May I know, Sir, if the Government of India have received a copy of the Feetham Committee's report ?

Mr G S Bajpai: No, Sir, they have not , but they have asked for it.

Pandit Hirday Nath Kunzru: Will they lay it on the table of the House when it is received ?

Mr. G. S. Bajpai: I cannot say anything about that until the report is received

Pandit Hirday Nath Kunzru: Are Government aware that action is contemplated by His Majesty's Government in connection with that report ? If so, what is the objection to the Government of India laying that report on the table of the House for the information of Honourable Members ?

Mr. G. S. Bajpai : The assumption, underlying the Honourable Member's question, has yet to be verified ;—the assumption being that the Government of Kenya have already taken action on the report As I have already stated in reply to Mr. Shanmukham Chetty, Government have made inquiries both as to the substance of the report of the Feetham Committee and of the action, if any, contemplated on it. When the Government of India receive the report, they will take such action as may be considered to be necessary.

Pandit Hirday Nath Kunzru : Have the British Government been asked to postpone taking action on the report of the Committee till the Government of India have had time to make representations to them ?

Mr. G. S. Bajpai : I have already said that the Government of India cannot ask His Majesty's Government to postpone action as they do not know what is actually contemplated. All that they have to go upon is a press report to the effect that certain things have happened. The Government of India have asked for information and when they are in possession of all the facts they will take necessary action. The nature of that action will be determined entirely by the nature of the action contemplated on the other side.

Mr. R. K Shanmukham Chetty : In view of the fact that the Governor of Kenya Colony has announced to the Legislative Council that the *Secretary of State for the Colonies has accepted the findings of the* Feetham Commission, do not the Government of India think it necessary to warn the Secretary of State for the Colonies not to take any action on that report before the Government of India have had an opportunity to express their opinion ?

Mr. G. S. Bajpai : That, Sir, is a matter of opinion. In any case, as I have stated, the Government of India have made telegraphic inquiries from the Secretary of State, and I think I can assure the House that the Government of India yield to no section of the House either in their desire or their determination to do everything possible to safeguard Indian interests

Mr. R. K. Shanmukham Chetty : Will the Honourable Member make a statement to the House later on when he gets more information on the subject ?

Mr. G. S. Bajpai : I shall certainly consider my Honourable friend's suggestion.

UNSTARRED QUESTIONS AND ANSWERS.

Revised Scales of Pay for Postal Clerks, etc.

99. **Mr V. V. Jogiah** : Has the scale of pay sanctioned for the staff of the R. M. and S and the lower selection grades in G. O. I. Resolution No. P. T E-11. dated 27th April 1927, been given effect to ? If not, why not ? Do Government propose to give effect to it at an early date ?

The Honourable Sir Bhupendra Nath Mitra : Government have no reason to believe that full effect has not been given to the revised scales

of pay for postal clerks sanctioned in their letter of the 27th April 1927. Orders regarding the revision of the scales of pay of the lower selection grades and of Railway Mail sorters were issued on the 5th and 10th August 1927, respectively

PAY OF GRADUATES IN POST OFFICES AND THE RAILWAY MAIL SERVICE.

100 **Mr. V. V. Jogiah** : Is it a fact that graduates entertained in Post Offices and the Railway Mail Service subsequent to 27th April 1927 are started on Rs 55 a month, while this rule is not applied to those graduates, who are already in service, before that date, drawing less salaries and whose salaries did not rise under the rules sanctioning this minimum pay of Rs. 55 ? If so, do Government propose to bring their salaries into line with those of graduates newly entertained ?

The Honourable Sir Bhupendra Nath Mitra : The facts are substantially as stated by the Honourable Member in the first part of the question.

The matter is under the consideration of the Government of India

GRANT OF HOUSE RENT ALLOWANCE TO POSTMEN AND MENIALS.

101. **Mr. V. V. Jogiah** : Is any provision made for grant of house rent allowance to postmen and menials in the Budget of 1926-27 ? If so, how much of it has been spent ?

The Honourable Sir Bhupendra Nath Mitra : The reply to the first part of the question is in the affirmative. The amount spent was about Rs. 1 lakh

GRANT OF HOUSE RENT ALLOWANCE TO POSTAL OFFICIALS IN CERTAIN PLACES IN THE MADRAS PRESIDENCY.

102. **Mr V. V. Jogiah** Are Government aware that postal officials in some places, where the rents of houses are high, such as those at Berhampore, Chatrapur, Chepurupalle and Parvatipur, etc, in the Madras Presidency, have not been given any house rent allowance ? If not, would the Government enquire into it ?

The Honourable Sir Bhupendra Nath Mitra : House rent allowance is not given to postal officials at the places named in the question. The Government of India have no information whether house rent is high at those places An enquiry will be made and suitable action will be taken by the Director General.

REFUSAL OF LANDLORDS TO REPAIR HOUSES LEASED TO THE POSTAL DEPARTMENT IN THE MADRAS PRESIDENCY

103. **Mr. V. V. Jogiah** : Are Government aware that in the Presidency of Madras, corresponding to the increase in prices and rents of [illegible] Postal Department, is [illegible] ords, and as a result, [illegible] pending the increase [illegible] stal officials, living

in such houses, have been suffering considerable inconvenience, on this account ? If not, are Government prepared to enquire into the matter and take steps to remedy these complaints and inconveniences ?

The Honourable Sir Bhupendra Nath Mitra : Government are not aware of the facts as stated. An enquiry will however be made and whatever steps are necessary will be taken in the direction indicated

MEMORIAL OF THE STAFF OF THE GOVERNMENT TELEGRAPH OFFICE AT VIZAGAPATAM.

104. **Mr. V. V. Jogiah** : Did the staff of the Government Telegraph Office at Vizagapatam make representations to Government for the grant of a compensatory allowance to them, in view of the fact that the City of Vizagapatam has increased enormously in importance, extent and population, during the last decade and for the reasons stated in their representations to H. E. the Viceroy and Governor General of India and to the Director General of Post Offices ? And, did the Government say that the matter was under their consideration ? If so, have the Government come to any conclusion ? If not, do Government intend to consider the case of the staff as early as possible and give them relief ?

The Honourable Sir Bhupendra Nath Mitra : Representations on the subject addressed to His Excellency the Viceroy and Governor General were received by the Director General through the Postmaster General, Madras, at the end of July. When these are forwarded to Government by the Director General with his recommendations, they will receive due consideration.

DEMANDS FOR SUPPLEMENTARY GRANTS.

CIVIL WORKS.

Mr. President : The House will now resume the further consideration of the following motion mover by the Honourable Sir Basil Blackett

"That a supplementary sum not exceeding Rs 75,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Civil Works'."

(At this stage Mr Gaya Prasad Singh rose to speak.)

Mr. President (Addressing Mr. Gaya Prasad Singh) The Honourable Member had already spoken. He opposed the motion yesterday, and he is not entitled to speak again

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran · Non-Muhammadan) · I did not ....

Mr. President : The Honourable Member did rise and opposed the motion yesterday. No doubt, he did not make any speech, but that does not matter.

Mr. Gaya Prasad Singh : But the Debate was adjourned . . .

Pandit Hirday Nath Kunzru (Agra Division . Non-Muhammadan Rural) : As my friend Mr. Neogy was not there when I got up, I had to take on myself the unpleasant duty of opposing the Supplementary Grant asked for by the Honourable the Finance Member. Now, Sir, I should like to make it clear that I am not in the least against a Government

[Pandit Hirday Nath Kunzru.]

grant being given to any social instituton, whether Christian, Hindu or Muhammadan. But in view of the discussion that took place in this House on the provision of accommodation for officers in August 1926, I think the Government would have been well advised if instead of bringing worward a motion of this kind they had themselves undertaken to construct the necessary buildings Now the reason placed before us for the course adopted by Government is that it would lead to economy. That is a point which was discussed threadbare in August 1926, and I should not like to weary the House by a repetition of what was said then. But it is pertinent even now to point out that, although the cost might be slightly greater to Government if they provided the necessary accomodation themselves, the buildings which would be constructed will remain their property. In this particular case there is this difference as compared with the case discussed by the Assembly in August 1926, that the Government proposed to give not nearly a loan but also a grant of Rs. 75,000 to the Y W. C. A. Now, as I say, if the Y. W. C. A. engages in social activities which are for the good of the country and imposes no racial restrictions, nobody would be against giving any grant to it. But that question stands by itself. If Government find, after considering the needs of the Y. W. C A, that the help that they ask for is legitimate, they can come forward with a separate proposal But I do not like the Y. W. C A. being helped in this indirect and, if I may say so without offence, in this surreptitious way. I think, as a matter of policy, Government ought to undertake to construct the buildings needed for its own officers. It cannot in the guise of helping its officers really help other institutions. The help to be given to other institutions must be considered on the merits of the case. I am therefore opposed to the motion before us, but I should like to make it clear that I am not opposed in principle to any grant being given to the Y. W. C A. That is an entirely separate matter and ought to be discussed on a separate Demand.

Mr President : The question is :

"That a supplementary sum not exceeding Rs 75,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1928, in respect of 'Civil Works'."

The Assembly divided :

AYES—51.

Abdoola Haroon, Haji.
Abdul Matin Chaudhury, Maulvi.
Abdul Qaiyum, Nawab Sir Sahibzada
Abdullah Haji Kasim, Khan Bahadur Haji.
Ahmad, Khan Bahadur Nasir ud din
Alexander, Mr William.
Anwar-ul Azim, Mr.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid
Ayangar, Mr. V. K. Aravamudha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami
Bajpai, Mr G. S
Blackett, The Honourable Sir Basil.
Bray, Sir Denys
Coatman, Mr. J.
Cocke, Mr H. G
Cosgrave, Mr. W A.
Courtenay, Mr. R. H
Crawford, Colonel J D
Crerar, The Honourable Mr. J.
Crofton, Mr. R. M
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr J. M.
Ghazanfar Ali Khan, Raja
Gidney, Lieut-Colonel H. A. J.

Haigh, Mr. P. B.
Irving, Mr. Miles.
Ismail Khan, Mr.
Jowahir Singh, Sarda Bahadur Sardar.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Kirk, Mr. R. T. F.
Lamb, Mr. W. S.
Mitra, The Honourable Sir Bhupendra Nath.
Moore, Mr. Arthur.
Mukherjee, Mr. S. C.
Murray, Sir Alexander.
Parsons, Mr. A. A. L.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Ruthnaswamy, Mr. M.
Sams, Mr. H. A.
Shah Nawaz, Mian Mohammad.
Singh, Rai Bahadur S. N.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Wright, Mr. W. T. M.
Yakub, Maulvi Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

NOES—33.

Aiyangar, Mr. C. Duraiswamy.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr. M. S. Sesha.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das
Gour, Sir Hari Singh
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M. R.
Jogiah, Mr. Varahagiri Venkata.
Kelkar, Mr. N. C
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath
Lahiri Chaudhury, Mr Dhirendra Kanta.
Lajpat Rai, Lala.
Mehta, Mr Jamnadas M
Mitra, Mr. Satyendra Chandra.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Murtuza Saheb Bahadur, Maulvi Sayyid
Naidu, Mr. B. P.
Neogy, Mr K C
Purshotamdas Thakurdas, Sir
Rao, Mr. G. Sarvotham.
Sarda, Rai Sahib Harbilas.
Shafee, Maulvi Mohammad
Siddiqi, Mr. Abdul Qadir
Singh, Mr. Gaya Prasad
Singh, Mr. Narayan Prasad.
Singh, Mr Ram Narayan
Sinha, Mr Siddheswar.

The motion was adopted.

DRAFT CONVENTION AND RECOMMENDATION OF THE INTERNATIONAL LABOUR CONFERENCE REGARDING INSPECTION OF EMIGRANTS ON BOARD SHIP, ETC.

Mr. A. R. Dalal (Secretary, Education, Health and Lands) : Sir, I move :

"That this Assembly having considered the draft Convention and Recommendation adopted by the International Labour Conference at its eighth session held at Geneva between the 26th May and 5th June 1926, concerning respectively the simplification of the inspection of emigrants on board ship and the protection of emigrant women and girls on board ship, recommends to the Governor General in Council that he should ratify the draft Convention and accept the Recommendation".

Sir, I crave the kind indulgence of the House for a very short time while I describe briefly the circumstances which led up to the moving of this Resolution. An International Conference on Emigration and Immigration was held in Rome in 1924 The representative of India

[Mr. A. R. Dalal.]

at that Conference was Sir P. Rajagopalachari, then Member of the Secretary of State's Council. One of the Resolutions adopted by that Conference was the simplification of the system of inspection of emigrants on board emigrant vessels. The President of that Conference happened to be the Italian Delegate on the governing body of the International Labour Office At his instance the International Labour Office decided to put the question of the simplification of the process of inspection of emigrants on board vessels on the agenda of their eigth session. Accordingly, at the eighth session of the International Labour Conference held in Geneva in June, 1926, a Convention and a Recommendation were adopted The object of the Convention was the simplification of the system of inspection of emigrants on board emigrant vessels The object of the Recommendation was the protection of women and girls travelling by such vessels Now, Sir, the conditions to which both the Convention and the Recommendation were meant to apply were primarily, if not mainly, European conditions. In Europe it is the practice for the nationals of a large number of different countries to travel on board the same emigrant vessel, the nationals of each country being accompanied by their own Inspector or Inspectors. It would be easy for this House to imagine the disputes and the conflict of jurisdiction that would occur under such circumstances. It is primarily to remedy this state of affairs that this Convention has been adopted Its main recommendations are that under such circumstances, there should be only one official Inspector travelling on board emigrant vessels and that that Inspector should be the national of the country whose flag the ship is flying The object of the Recommendation is the protection, as I have said, of women and girls travelling on board such vessels

When the questionnaire regarding this Convention was circulated to the Government of India, we made it quite clear that these circumstances did not apply to India As the House is no doubt aware, unskilled emigration of labour is permitted to Ceylon and the Malay States only. There is no question of the appointment of Inspectors on board vessels plying to Ceylon for the simple reason that it is a short voyage in home trade waters merely across the channel on practically what amounts to a ferry boat. As regards the Malay States, the Government of the Malay States themselves appoint Inspectors, both male and female, to accompany emigrants both on the voyage from India to the States and from the States back again to India. The fact that the Convention did not apply to Indian conditions was also made plain by our representative at the eighth session. But the object of the Convention as it is now passed is merely the simplification of the process of inspection where it exists, and not the institution of any new system of inspection where it does not exist That is made perfectly plain in paragraph 12 of the report of our representative at the Conference. It runs :

"The draft Convention, as finally passed by the Session, deals only with the simplification of existing systems of inspection, a point which is evident not only from the terms of the Convention, but which was categorically stated in the Report of the Committee to the Session."

I wish to emphasise this point, Sir, because I wish to make it quite plain to the House that by ratifying this Convention, we are not committing ourselves to instituting any new system of inspection on board emigrant ships. As regards the Recommendation, it is to the effect that if 15

or more women or girls travel on board emigrant vessels unaccompanied by any responsible person in authority, there should be a woman travelling with them who should render to these women and girls such moral and material assistance as may be required. This also, Sir, does not primarily apply to Indian conditions, because, in the first place, under 22 of our Emigration Rules, the emigration of unaccompanied women and girls is prohibited. In the second place, Indian women and girls do not emigrate unaccompanied by their male relatives.

Under Article 405 of the Treaty of Versailles every member of the International Labour Office is bound to bring the Convention or Recommendation adopted by the Labour Office to the notice of the authority competent to implement such Convention or Recommendation within a period of 18 months at the most. The Indian Legislature is the authority competent to implement this Convention, because, if it is ratified, legislation will be necessary. Therefore this Resolution is now put before this Honourable House. When the Convention first came up before Government in the Education Department, we were somewhat doubtful about the advisability of ratifying it because it did not apply to Indian conditions. We placed the matter before our Standing Emigration Committee. Our Standing Emigration Committee were, however, of opinion that it would be more in consonance with the moral dignity of India and the consistent support which this country has always accorded to the Conventions and Recommendations of the League of Nations and the International Labour Office if this Convention was ratified. I think, Sir, that this country can claim an honourable place among the nations of the world for the promptness and fidelity with which it has carried out the Recommendations and Conventions of the League of Nations and International Labour Office.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural). Not for anything else.

Mr. A. R. Dalal: On the recommendation, therefore, of our Standing Emigration Committee, Sir, the Government have on further consideration decided to ratify the Convention It is true that it would not apply immediately to Indian conditions, but if in future, emigration to distant countries beyond home trade waters was ever permitted, the provisions of the Convention would immediately come into operation. In the meantime, by ratifying the Convention, we would be making a gesture of friendliness towards the League, and I submit that that is not without its moral significance.

Under Article 11 of the Convention we are bound, if we ratify the Convention to bring the provisions of Articles 1 to 7 into operation. Now Articles 2 to 7 are contingent on the appointment of official Inspectors on board emigrant vessels So long as such official Inspectors are not appointed these clauses do not come into operation. But Article 1 comes into operation at once. Under that Article we must define the terms "emigrant" and "emigrant vessel". The term emigrant is already defined under our Emigration Act, No VII of 1927. If this House ratifies the Convention we propose immediately to introduce a Bill by which we will define the term "emigrant vessel" and also take power for the protection and security of emigrants by means of a system of inspection or otherwise during the voyage under the rule-making powers of the Emigration Act, a power which we do not possess at present

[Mr. A. R Dalal.]

I have endeavoured, Sir, to explain the scope and object of the Convention and the reasons which have actuated Government to ratify it to the best of my ability. If I have failed to make anything perfectly plain I hope the House will make allowance for my prentice hand, or rather, tongue The proposal is in accordance with the recommendations of our Standing Emigration Committee, and I hope it will command the unanimous approval of the House. Sir, I move it

Mr. N. M. Joshi (Nominated : Labour Interests) Sir, the Members of the Assembly may remember that at the last Delhi Session the Government of India had given notice of a Resolution recommending this House not to ratify the Convention I am glad, Sir, that in the interval the Government of India have thought over the matter and come to the wise decision of ratifying this Convention I admit that it does not give anything substantial to Indian emigrants. I am glad that the Government of India have introduced a Bill. I do not wish to speak on that Bill on this occasion, but let me make it quite clear that I think the Government of India are not carrying out the provisions of the Conventions fully and satisfactorily in the Bill which they have introduced. I hope when the Bill comes up for discussion that I shall receive the support of this House in securing proper effect being given to the Convention which the Government of India is ratifying on this occasion.

There is one more point on which I would like to say one word. The Honourable Member in charge of this Resolution stated that the Convention does not impose any obligation upon the Government for appointing an Inspector. Technically speaking, what he has said is true, but I think, Sir, that the omission of the obligation being placed upon the Government is due to the fact that the Emigration Conference that met in Geneva did not imagine that there would be any Government which would not appoint Inspectors on emigrant ships. They did not really imagine that the Government of India would take advantage of the fact that the Convention does not impose an obligation on them to appoint an Inspector. But, if you read through the wording of the Convention, it is quite clear that the Government of India and every Government ratifying the Convention is expected to appoint Inspectors. The Convention has taken the appointment of Inspectors for granted, and having taken that for granted they proceed to suggest a way of simplifying the procedure.

Sir, I do not wish to speak any more, but I congratulate the Government of India upon the wise decision which they have been persuaded to take on this occasion.

Mr. Sarabhai Nemchand Haji (Bombay Central Division : Non-Muhammadan Rural) : Sir, in speaking on this Resolution I should like to draw the attention of the House to what I might call the history of the 8th Geneva Labour Conference at which the international Convention was passed. It is to us no doubt a matter of great satisfaction that the Government of India have seen their way to fall into line with the requirements of the recommendations of the 8th International Labour Conference. But, Sir, the details of what happened at Geneva between the 25th May and 5th June of 1926 throw a light on the history of this subject which I hope the House will excuse me for referring to at some

length. At the initial stage of this Conference, the recommendations of which are now accepted by our Government, I am sorry to find that the employers' group made a dead set against the whole of the Conference and wanted to make out that the Conference had no competence to discuss the problem of emigration ; and if they had had their way, as this was the only item before the Conference, the Conference would have dispersed without arriving at any conclusions. I will just read out to you, Sir, an extract from the official report of the Delegates of the Government of India to the 8th and 9th sessions of the International Labour Conference at Geneva. In paragraph 10 at page 5 of the report, it says :

"It is also noteworthy that no Government objected under Article 402 of the Treaty to the inclusion of this item... "

—that is, the item of emigration—

"in the agenda of the 8th session. Immediately, however, on the decision by the Plenary Sitting of the session to appoint a committee to deal with this item of the agenda, the British Employers' delegate with the support of practically the whole of the Employers' group put forward a resolution in the following terms :

'That the International Labour Organization is not competent to deal with questions of the regulation of the transport of emigrants, that this Conference accordingly declines to discuss the question of the simplification of inspection of emigrants on board ship'."

Fortunately for the emigrants, and in order perhaps to provide an opportunity to the Honourable the Education Secretary to move this motion this morning, the resolution of the employers, including the British employers, was debated at length, and it was ultimately rejected by 77 votes to 23. This gives us an indication of the attitude of the employers in general and of the British employers in particular, in connection with the main item of the agenda of the 8th International Labour Conference. And, Sir, if I want to lay stress on this part of the subject it is only to draw particular attention here to the fact that unfortunately for this country the employers' delegate sent by India, who formed part of the Indian Delegation, instead of acting in this matter from the Indian employers' point of view, acted in a way that went very much against what I believe would have been the intentions of the employers in this country and voted in support of this resolution which wanted to annul the whole session of the International Conference and the main subject to be discussed before it, and he voted with the British group. And why ? Because, Sir, he was not an Indian employer but a British employer representing British interests

12 Noon.

Now, Sir, if you will permit me, I will just say a few words with regard to how it was that a British employer came to represent, or rather misrepresent as it turned out, the Indian employers at the eighth International Labour Conference According to the rules of the Labour Conference under the Treaty of Versailles, the delegations of various countries are composed of two Government delegates. ..

Mr. A. R. Dalal : On a point of order, Sir. I submit that this does not arise out of the Resolution under discussion

Mr. Sarabhai Nemchand Haji : I beg to submit that, as the Resolution arises out of the work of the Indian Delegation at the eighth International Labour Conference I am fully entitled to go into the details

[Mr. Sarabhai Nemchand Haji.]

of the composition of that Delegation. As I was saying, the fact that we did not have an Indian employer on this Conference came about as follows. According to the Treaty of Versailles, each country is represented by two Government delegates, one employers' delegate and one labour delegate. Now, the employers' and labour delegates are to be appointed by the respective associations in the country under question and the Government has to accept the choice of the employers' organisations and the labour organisations. Very strange it is that even this final report has to admit the fact that, though on many an occasion labour organisations of various countries had to put up protests against the action of their Government with regard to labour delegation owing to various difficulties about the official recognition of trade unions, *e.g.*, non-Fascist associations in Italy, not until the eighth Conference was there any trouble with regard to the employers' delegates. But I am sorry to say that to our Government belongs the discredit of having brought about a situation which necessitated an official protest being registered in connection with the appointment of the Indian employers' delegate to the eighth International Labour Conference. Paragraph 6 of the Report says :

"Much interest was evinced at both sessions of the Conference in the protests against the nomination of Sir Arthur Froom as the Indian employers' delegate. This was the first occasion in the history [illegible] nomination of an employers' delegat[illegible] ments in English and French setting [illegible] were extensively circulated among all [illegible]

Now, Sir, in a sense it is unfortunate that our country should have to set this precedent, but as one being concerned directly and personally in connection with this protest, I may say that the point of view of India, and particularly nationalist India, got so much support from almost all countries, including the Colonies within the Empire, that in so far as the non-official acceptance of the Indian point of view was concerned, we could not have much ground for grievance. But I want to refer not so much to what [illegible]

the Government must accept the nomination of the majority of the selecting organisations. Now, Sir, until this protest was taken to Geneva, the question that the representative of a country, whether a labour representative or an employers' representative, should be a national of the country never arose before this Conference ; as a matter of fact, the peculiar circumstances of the Treaty of Versailles took it for granted that no country would be so ignorant of its own interests ..

Mr. President : Order, order. The Honourable Member is going too far. He might ventilate this particular grievance of his by a separate Resolution I have allowed him sufficient indulgence.

Mr. Sarabhai Nemchand Haji : Thank you, Sir. I was just going to wind up by saying that under the Treaty of Versailles no country, aware of its own interests, need send any one but a national and it is because of the unfortunate position in which this country finds itself that we have to invoke the aid of the Treaty of Versailles in order that our nominations to the Geneva Conference should be national in tone and character.

Now, coming to the integral part of the subject—the question of emigration—and the delaying tactics that were employed by the British delegates of whom unfortunately the Indian employer formed a part, I do feel that the name of India would have been condemned among the workers of the international world particularly if this resolution of the British employers had been carried and the sittings of the eighth International Labour Conference brought to a premature end. I hope, therefore, that in view of the lesson which the Government have learnt in this connection after the reports and the findings of the Credentials Committee at Geneva, no occasion would arise in future for this country, either from the employers' point of view or the labour point of view, to have to send protests to Geneva against the Government's nominations. In conclusion, Sir, I hope that when the Resolution moved by the Honourable Mr. Dalal is acted upon by Government in the form of a Bill, sufficient provision will be made to bring within its purview all those ships that carry emigrants from India. With these words, I have great pleasure in supporting this Resolution.

Lala Lajpat Rai (Jullundur Division: Non-Muhammadan): I do not propose to oppose this Resolution, nor do I want to enter into those questions which have been raised by my Honourable friend, Mr. Haji. But I am not sure if the Honourable Member who proposed this Resolution was quite right in saying that the object of the inspection of emigrant ships was purely the protection of women and girls.

Mr. A. R. Dalal: I did not say so.

Lala Lajpat Rai: I understood him to say that the International Conference......

Mr. President: The Honourable Member must accept the Honourable Mr. Dalal's statement.

Lala Lajpat Rai: If you will allow me, Sir, I will proceed further because that is relevant to the other point too. I want to point out that the most important question which was also considered by the 8th Session of the International Labour Conference and which relates very intimately to the question that has been raised by the Honourable Member who has proposed this Resolution, was the protection of emigrants as defined by different Governments. In answer to the questionnaire that was issued by the International Labour Office in connection with the agenda of the 8th Session of the International Labour Conference, the answer given by the Indian Government as to who was an emigrant, was entirely different from that given by the British Government. The British Government practically defines emigrant to include all those people who travel third class on the steamers. I have not got the wording before me. I read it at the time. The Indian Government limits the definition of emigrant only to those who go out of this country permanently to seek employment or to work for wages. I submit the question is not the protection of women and girls only, but the protection of all people who go out of this country to seek employment either temporarily or permanently, and, if any legislation is going to be brought in pursuance of this Resolution, I would draw the attention of the Government to that important point. The word "emigrant" should be defined in such a way as to include all those people who leave the shores of this country for the purpose of seeking employment, where they are

[Lala Lajpat Rai.]

allowed to go. As we are situated, the gates of all countries are shut to us except a few [illegible] emigration to Guiana [illegible] d been opened. I see [illegible] ad that it is not so I [illegible] I am certain a good [illegible] grant " and " emigran[illegible] defined as to make it include all those people who want to leave the shores of this country for the purpose of seeking employment, to those places where they are permitted to go by law or by convention. Their conditions of travel and the treatment they get on the ships are all relevant matters and, therefore, as my friend Mr Joshi has remarked, it is absolutely necessary that the Government should make a provision for the appointment of Inspectors on those ships which take these emigrants outside of India It has been assumed in the Convention that all Governments have adopted that provision and if the Government of India does not accept that liability or that responsibility, I submit it is very unfortunate An impression has gone out that the Government of India care more for the shipping companies that run the ships which carry third class passengers than for the latter. Provision should be made for the protection and comfort of emigrants by providing Inspectors on those ships, and I submit that no interest of the shipping companies should be allowed to intervene between the interests of these emigrants and the duty of the Government to provide for their protection and comforts while travelling abroad It may not be of very great importance, because the number of emigrants leaving this country is very small, but all the same the principle is very important and it ought to be kept in view when legislation is proposed in pursuance of this Convention. This is the only remark I wanted to make

Mr. A. R Dalal I am thankful to my Honourable friend Mr Joshi for congratulating Government on having decided to ratify this Convention My Honourable friend however could not resist the temptation of twitting us for changing our minds. (*Mr N. M. Joshi* . " I congratulated Government ") Now, Sir, speaking for myself although we are the Education Department, we are not above learning ourselves, and we are quite prepared to gather in wisdom with both hands from whatever source it may come. (*Lala Lajpat Rai* " We are very glad to hear this admission.") As for my Honourable friend Mr. Haji, I am sure that all of us in this House are very much indebted to him for the very keen interest he takes in all matters concerning shipping, an interest which has earned for him from his friends the well deserved though unofficial title of 'Admiral Haji.' As for the part he himself took at the 8th Session of the International Labour Conference, where I understand he was the adviser to the adviser to the Indian delegation......

Mr. Sarabhai Nemchand Haji : I was the representative of the Indian National Protesting Organisations.

Mr. A. R Dalal : As for Sir Arthur Froom to whom my Honourable friend thought fit to refer......

Mr. President : The Honourable Member never mentioned any name. (*Honourable Members* : " He did.")

Mr. Sarabhai Nemchand Haji : May I say that I merely mentioned Sir Arthur Froom because his name appeared in the report.

Mr. A. R. Dalal : May I submit that that is not germane to the question at hand and I should allow that Honourable gentleman to rest in peace in the calmer atmosphere of the Upper House. As for my friend Lala Lajpat Rai, I do think he was labouring under some very serious misapprehension and for that misapprehension I am afraid I must blame myself because I have not the felicity of phrase and the lucidity of expression which makes my Honourable friend the envy of this House. I am afraid that he totally misunderstood me. The object of the Convention is not merely the protection of women and girls on board emigrant vessels. That is merely the object of the Recommendation. The Convention is entirely a thing apart and the object of the Convention is simplification of the system of inspection of emigrants on board emigrant vessels.

Lala Lajpat Rai : If I mistake not, the object of the Recommendation was not to confine it to women and girls.

Mr. A. R. Dalal : If the Honourable the President will allow me, I will read out the Recommendation. It runs to this effect .

"Where 15 or more women and girls un-accompanied by a responsible person are carried as emigrants on board an emigrant vessel, a properly qualified woman who has no other duty to fulfil on board shall be appointed to give such women any material or moral assistance of which they may stand in need without in any way encroaching upon the authority of the master of the vessel She shall report to the authority making the appointment and the report shall be available for the use of the Governments which may be concerned "

Lala Lajpat Rai . That is only a part.

Mr. A. R Dalal · That is the whole As for the term "emigrant" it is also defined in section 2 of our Emigration Act of 1922 Emigrant means "any person who emigrates, has emigrated or who has been registered as an emigrant under the Act and includes any dependent upon any emigrant but does not include .etc." My Honourable friend will see that it is a wide enough definition As for the term emigrant vessel, we are going to define it and when we come to the Bill we will certainly take into consideration what my Honourable friend Mr Joshi has said, but I do join issue with him in his interpretation of the object of the convention, which, as I took pains to elaborate in my original speech, is simplification and not inspection.

Lala Lajpat Rai · I referred to the answer of the Government of India to the questionnaire issued by the International Labour Conference

Mr. A R Dalal At that time we made it clear that the circumstances were quite different from the circumstances to which the Convention was designed to apply I hope, Sir, that this House will now agree to adopt the Resolution unanimously

Mr. President · The question is :

"That this Assembly, having considered the draft Convention and Recommendation adopted by the International Labour Conference at its eighth session held at Geneva between the 26th May and 5th June 1926, concerning respectively the simplification of the inspection of emigrants on board ship and the protection of emigrant women and girls on board ship, recommends to the Governor General in Council that he should ratify the draft Convention and accept the Recommendation."

The motion was adopted.

THE INDIAN EMIGRATION (AMENDMENT) BILL.

Mr. A. R. Dalal (Secretary, Education, Health and Lands) : Sir, after having taken up so much of the time of the House, I do not think it is necessary for me to detain them any further while I beg for leave to introduce a Bill to amend the Indian Emigration Act, 1922, for a certain purpose.

As I have already stated, if this Convention is ratified, under Article 11 of the Convention this country is bound to bring the provisions of Articles 1, 2, 3, 4, 5, 6 and 7 into operation by the 1st January, 1928, and hence this Bill, which, I hope, will pass both Houses during this Session.

Now, as I have already stated, Articles 2 to 7 do not come into operation unless and until we appoint official Inspectors on board emigrant vessels. As for Article 1, the term " emigrant " has already been defined and we are taking powers under this Bill to define the term " emigrant vessels " At the same time, we find that under our rule-making power, under section 24 although we have got power to provide for the security, well-being and protection of emigrants up to the date of their departure from India and on their return to India, we have not got that rule-making power to provide for the security, well-being and protection of these people during the voyage, and hence we want this rule-making power to enable us to protect them during the voyage. I think, Sir, that it is not necessary for me at this stage to dilate on the detailed provisions of the Bill

I move for leave to introduce the Bill

The motion was adopted.

Mr. A. R. Dalal : Sir, I introduce the Bill.

THE INDIAN TARIFF (COTTON YARN AMENDMENT) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) . Sir, I move that the Bill further to amend the Indian Tariff Act, 1894, in order to safeguard the manufacture of cotton yarn in British India, as reported by the Select Committee, be taken into consideration.

The Select Committee, Mr. President, has made only one change in the Bill as it was introduced in this House. I should like very briefly to say a word or two about that. The alteration consists in this, that in the Preamble and in the long title of the Bill the word " protection " has been substituted for the word " safeguarding ". For reasons which I explained in my Minute of Dissent I was unable to concur in that proposal. Now, I do not propose to dwell on the matter at any length I have been sometimes accused, I regret to say, of being prone to the fault commonly attributed to the nation to which I belong, of an undue taste for metaphysics and theology, and I do not wish to weary the House by any metaphysical disquisition on the subject of the difference in meaning which may exist between the term " safeguarding " and the term " protection ". But, it is important that the position of the Government of India should be made perfectly clear and that no room for

doubt should be left as to the grounds on which they have brought forward this Bill and are asking the House to pass it into law. Briefly the basis of the Bill is that night work by women is allowed in the Japanese cotton mills, that this makes double shift working possible and thereby reduces the cost of production to a lower level than is possible in the Indian mills where night work by women is prohibited by law. It was because the basis of the Bill was limited to this one fact that the Government of India thought it more appropriate to use the word "safeguarding" which has a narrower meaning than the word "protection" which has a wider meaning. I should like to lay some little stress on this point that the sole ground on which the Government of India are asking the House to pass this Bill into law is that night work by women is the regular practice in the Japanese mill thereby making double shift working possible. It follows quite definitely that the Government of India have arrived at no finding that labour conditions as a whole are worse in the Japanese mills than they are in the Indian mills, apart from the sole point to which I have already alluded. I am quite aware that the Tariff Board brought out the fact in their Report that although in the mills which work double shifts in Japan the hours of work are practically the same as in the Indian mills, nevertheless in the mills which work single shifts only, the hours of work admissible under the law are longer than in India But this fact—by itself, I lay some stress upon this point—would not necessarily establish a claim on the part of the Indian cotton mill industry to protection or safeguarding, whichever term may be used. There are two points which would then have to be considered. One of them would be the period of work which was conducive to the greatest efficiency. That is a matter in which perhaps in India we are somewhat backward ; but it has been proved in other countries and in other industries that long hours of work do not necessarily lead to the largest output or the most economical output The Tariff Board, in one passage of their Report drew attention to the fact that in some upcountry mills the limitation of hours to 'ten per shift' had resulted sometimes in no decrease in the output, and in some cases had actually been followed by an increase in the output The second point is this. If the question of the number of hours of work were raised inevitably the whole question as to the wages paid would have to be examined. On page 115 of their Report the Tariff Board gave a tabular statement showing the wages paid in Japanese cotton mills Assuming that the figures that the Tariff Board gave were comparable with the figures we have of the wages paid in Indian mills, there is no question at all that the Japanese wages are substantially higher On the other hand there are reports—by an American Tariff Commission, I think—which suggests that the figures of wages in the Japanese mills may not be strictly comparable to the Indian figures , that is to say the report appears to suggest that the Japanese figures include other items in addition to the wages proper. That is a matter on which the Government have no special information beyond what is available to other Members of the House. My point at the moment is to bring out the fact that, if the question of longer hours in Japanese cotton mills were raised, before any conclusion could be arrived at, it would be necessary also to examine the question of the wages paid That leads me, Mr. President, to come to a rather important point. In the Bill it is proposed that the 1½ annas duty on cotton yarn should have effect up to the 31st of March, 1930, and that date is directly connected with another date, namely, the 1st of

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July, 1929, when, according to the Japanese factory law, night work by women in the cotton mills is to cease.

The two dates are directly connected and the obvious implication is that, once night work by women in the Japanese mills has ceased, the need for protecting or safeguarding the manufacture of yarn in cotton mills in India will have passed away. Now it is conceivable—it is impossible for anybody to say, but it is conceivable—that the date at which night work by women in the Japanese mills is to cease may be advanced. It is possible that it may be decided by the Government and Legislature of that country that it is expedient that the change in the law should take effect from an earlier date Obviously that would be a matter which the Government of India would have to take into their consideration. *Primâ facie* the necessity for safeguarding or protection would have passed away. It is impossible of course now to say what view the Government of India might take, for their decision would have to be guided by all the facts before them, but I think it is necessary to draw the attention of the House to the position which would exist in the contingency which I have suggested. The position would simply be this, that the Government of India would have then to decide whether there was any sufficient reason for the continuance of the one-and-a-half anna duty, and if they were not satisfied that there were adequate reasons they would no doubt have to bring the matter before the Legislature There is, however, one very important fact, already in sight, which would have to be taken into account. It was not before the Tariff Board when they wrote their Report although in two or three passages they alluded to the danger. One of them is at page 72 of the Report :

"A word should perhaps be added in regard to the imports from China where labour conditions are notoriously unsatisfactory. The imports of yarn from China are negligible, the highest figure being 399,000 lbs in 1924-25."

Since the Tariff Board wrote their Report there has been a very remarkable change as regards imports from China During the four months from April to July, 1926, India imported from China 14,000 lbs. of yarn and exported nearly 7 million lbs whereas in the months from April to July, 1927, India imported from China nearly 3 million lbs and exported only 170,000 lbs. Now, that is a swing-over in the trade of nearly 10 million lbs. in a period of 4 months Quite obviously that is a new and important fact. Therefore, if the particular difficulty created by the night work of women in the Japanese mills were removed, the Government of India in considering what course of action they should take would also have to weigh carefully what action, if any, was necessary in order to prevent injury to the manufacture of cotton yarn in India from this new source of competition, the Chinese mills I frankly admit, it is too soon to come to any certain conclusion as to what these large imports of yarn from China may mean. It may be a purely temporary phenomenon. As all Members of the House are aware, for some time past conditions in China have been extremely disturbed, and in these circumstances the natural outlet for the production of the Chinese mills has been obstructed, and in order to keep going at all they may have found it necessary to get rid of part of their output in the Indian market at sacrificial prices. If so, if that is the explanation,

then with the restoration of more settled conditions in China one might expect that these abnormal imports would pass away. That, however, is a matter for the future. But here there are two points. In the first place, at the present moment the need for safeguarding the manufacture of cotton yarn in India as against Chinese imports exists: whether it will continue to exist we do not know, but it exists at the present moment. In the second place, when the time comes—it may not come until the 31st March, 1930, or it may come earlier, we do not know; but when it comes and the Government of India have to consider whether it is necessary to continue to safeguard or to protect the manufacture of cotton yarn in India, there is at any rate this to be said that, as between China and India, there is no trade agreement or convention corresponding to the trade agreement between India and Japan, and therefore in that matter India will have a freer hand.

This question of the competition from China brings me to what after all was the subject which chiefly engaged the attention of the Select Committee and which I am sure is the aspect of the case which is chiefly engaging the minds of Members of this House. The proposal of the Government of India that the 5 per cent. duty on cotton yarn should be subject to a specific minimum of 1½ annas a lb. raises the question how will this duty affect the interests of the handloom weaver. Now in this matter the facts are pretty plain. Of the total quantity of yarn used by the handloom weaver in India much the greater part is produced by the Indian mills. He uses of course a certain amount of imported yarn, but still the fact remains that quite five-sixths of the yarn he uses is produced not abroad but in India. Now if this duty that is proposed has any effect at all, it must have the effect of making the price of cotton yarn in India higher than it otherwise would be. To the extent that it does so it will benefit the cotton mills by raising the price of what they sell, and similarly, to the extent that it does so, it will do something to weaken the position of the handloom weaver by making dearer what he buys. That is the plain fact of the case and no kind of ingenuity can get round it. Therefore it is one of those cases of a conflict of interests referred to by the Fiscal Commission in which a decision has to be arrived at after considering both the interests concerned. I endeavoured, when I moved that this Bill should be referred to Select Committee, to adduce those circumstances which, in the view of the Government of India, justified the belief that the effect on the handloom industry would not be very serious.

I do not wish to weary the House by treading again and again the same ground, but I think I ought briefly to recall the main points. In the first place there are the higher counts, that is, every thing above 40s, or at any rate above 50s. As regards those the effect of the duty must be very small. When you get to the really high counts, the 1½ anna duty is less than 5 per cent. and obviously therefore it cannot raise the price. When you come a little lower down to the counts between 60*s*. and 40*s*., the increase in the price will be quite small. As far as I can make out from the figures in the trade returns, between 50*s* and 60*s*., the 1½ anna duty would not be much more than 6 per cent. and between 40s. and 50s. perhaps 7 per cent. Therefore, as regards these counts, the effect on the handloom industry cannot be very appreciable Then, as regards the lower counts, that is, the counts below 30s. I endeavoured to show

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that there were good reasons for thinking that the price could not rise very much, but for a different reason. In this case the reason is that the internal competition between the Indian mills in these lower counts is so severe—the total imports being only about 2 millions lbs. a year—that in all probability any rise in price which the duty might bring about would almost instantly be checked by an increase in the Indian production, which would bring down the price again Finally, there are what we call the medium counts, from 31s to 40s. ; and here I said that it seemed likely that the duty might raise the price of the yarn by almost the full amount of the duty. It is in respect of these counts that the Indian cotton mills stand to gain and, to a limited extent, the handloom weaver stands to lose. Now the House will have to come to a decision on this Bill which is more in the national interest, namely, whether protection or safeguarding should be given to the manufacturer of cotton yarn in India, or whether the interests of the handloom weaver should be regarded as paramount and should prevail. The Chinese competition is of some importance in this connection and for this reason. As regards these lower counts of yarn nothing has been more remarkable in recent years than the decrease in the imports of such yarn from Japan. Japanese yarn of the lower counts has almost been driven out of the market by the Indian yarn. Hitherto, I am given to understand, the imports from China have been mainly of the medium counts ; but the latest information we have received is that the import of the lower counts of yarn from China is now beginning , and if it is a case in which the Chinese mills have to get rid of a part of their output at almost any price, then the competition with the Indian mills will become much more serious, because it will be direct competition in the counts of yarn in which the Indian mills are chiefly interested. That is an additional reason which I did not bring out, and which I was hardly in a position to bring out fully when I addressed this House on this subject. It may be that this increase in the imports from China may become a serious matter, and therefore there is the more reason for adopting the proposal in this Bill in order to safeguard the Indian cotton mills.

Now, there are one or two other matters which I think the House ought to take into account in coming to their decision. In the first place under a system of *ad valorem* duties, when the price goes up, the duty goes up too, and so the burden on the consumer and the burden on the handloom weaver under a system of that kind would steadily increase with the rise in price. But that is not so under the proposals in the Bill, because the duty which is intended to protect the industry is a specific duty which remains the same whatever the price of the yarn. As things are in the world to-day, the main factor which affects the price of cotton goods generally is the price of raw cotton. It is always very difficult to forecast what may be the future course of prices in this industry, but I think there would be general agreement that during the last 8 or 9 months prices have been down very nearly to bedrock. It has been a period of great difficulty for the cotton mill industry all over the world, and the next change in price is likely to be in an upward and not in a downward direction. That belief is confirmed by the reports which have been received as to the condition of the American cotton crop, because that is the factor which governs the

price of raw cotton all over the world. It would be entirely unsafe to prophesy, but such indications as there are point in the direction that some increase in the price of cotton, and consequently of cotton goods, is likely to occur. Now, when that occurs, the result will be at once to diminish the difference between the 5 per cent. duty and the 1½ anna duty, and consequently any burden that may be inflicted upon the handloom industry would be reduced automatically; whereas on the other hand, since the duty on cotton piecegoods remains at 11 per cent. *ad valorem*, the 11 per cent. duty would go up with the increase in the price. Therefore, the burden on the handloom industry, such as it is, will be greatest as things are at present and will diminish with any increase in price. The other point of which I should like the House to take account in arriving at their decision is this. After all, does not the demand that no additional burden should be thrown on the handloom weaver amount very nearly to this, that whatever the cause is of the present low price of yarn, even if it is due to industrial conditions which are clearly undesirable, such as the employment of women by night in cotton mills— but whatever the cause of the low price, yet the interests of the handloom weaver are to prevail over everything else? Surely that is rather an extreme position for Members of this House to take up. I think when the question of prices comes up—and admitting the desirability as I fully do that handloom weavers should get their yarn as cheap as possible—I do think that in a case of that kind it is legitimate to examine the cause of the low price, and if the low price is due to some abnormal and undesirable cause, it will be perfectly justifiable for the House to come to the conclusion that it was not in the national interest that for this very special reason that the handloom weavers should continue to get their yarn at a price which was lower than the price at which the Indian mills could produce it.

I will not, Mr. President, weary the House longer on this question. I have said that the House has to arrive at a decision after considering all that can be urged on the one hand as to the necessity of safeguarding or protecting the manufacturer of cotton yarn in India against competition from other countries which is regarded as unfair and also what is to be said on the other hand as to the interests of the handloom weavers, a very important class in the community as the Government are the first to admit. I have given the reasons, Mr. President, which led the Government of India to the conclusion that in this case the interests of the cotton mills ought to prevail I would not ask this House to decide the question except under a deep sense of responsibility and after weighing all that can be said on both sides. But I do, on behalf of the Government of India, quite distinctly ask them to accept the view I have tried to put before them, namely, that in this case it is expedient in the national interest that the manufacturer of cotton yarn in India should be safeguarded. Sir, I move.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I rise to perform an unpleasant duty, and that is to move the dilatory motion that stands in my name, namely, that the Bill be circulated for the purpose of eliciting opinions thereon.

Mr. President : Under what Standing Order does the Honourable Member wish to make that motion ?

Mr. K. C. Neogy : Sir, Standing Order No. 44, clause 2, which says that :

"If the Member in charge moves that the Bill be taken into consideration, any Member may move as an amendment that the Bill be recommitted or re circulated for the purpose of eliciting further opinions thereon."

As this Bill was never circulated in the beginning, I think it is necessary in the interests of the English language to say that the Bill be circulated for eliciting further opinions thereon.

Mr. President : The Honourable Member is entitled to make a motion for recirculation. When a motion is made that the Bill be taken into consideration, any Member is entitled to make a motion that the Bill be circulated for eliciting opinions thereon, but when the Bill comes back from the Select Committee and a motion is made that the Bill, as reported by the Select Committee, be taken into consideration, the only motion that is permissible is for recirculation and not for circulation.

Mr. K. C Neogy : I think if it is permissible to make a motion that the Bill be recirculated in case the Bill has once been circulated before, I think it would be common sense......

Mr. President : Common sense and law do not always go together.

Mr. K. C. Neogy : I quite agree, but, Sir, circumstances that were not existent before might have arisen which would justify the circulation of the Bill after it is reported by the Select Committee Sir, in this particular instance, I shall show that such a circumstance has arisen which had not existed before.

Mr. President : Is the Honourable Member arguing the point of order ?

Mr. K. C. Neogy : Yes, Sir. I should like to draw the attention of this House, and your attention, in particular, Sir, to the recommendation made by the Select Committee that an inquiry should be undertaken into the practical effect of the working of this measure after six months. That is a position which has arisen for the first time on the Report of the Select Committee, and my contention is that if you are alive to the necessity of an inquiry six months hence, why not make the inquiry now and be done with it ?

Mr. President : That is common sense. But what is the Standing Order ?

Mr. K. C. Neogy : Well, Sir, if you are disposed to take a strict view of the Standing Order, I would like to move the alternative motion that stands in my name......

Mr. President : I have no desire to be strict, but I should like to hear the Government before I give my ruling.

The Honourable Sir George Rainy : I would submit, Sir, that the general effect of the Standing Orders would appear to be that, if a Bill is to be circulated, the motion would naturally be made before its reference to the Select Committee. That would be the proper time to move for circulation. If that motion is not made, and if the Bill returns from the Select Committee without substantial amendments, then I would submit that any motion to circulate is out of time, because it should have been

quite properly made at an earlier stage. I would also submit, Sir, that in the Standing Order the phrase "recirculation" means recirculation, and that the case contemplated is that when a Bill has been circulated once and then sent to the Select Committee and substantial amendments have been made, it is fair to take another opportunity of obtaining public opinion on the Bill. I would submit, Sir, therefore, that the motion proposed is not in order.

Mr. K. C. Neogy : In the present instance, I think an amendment has been made which, even in the opinion of the Government, is of a substantial character, and that is the change in the Preamble of the Bill to which reference was made by the Honourable Member in charge of the Bill. Even on that view I submit there is every ground for circulating the Bill.

The Honourable Sir Basil Blackett (Leader of the House) : Sir, I am very much in sympathy with my Honourable colleague Sir George Rainy's view, that recirculation means recirculation. It seems to me that when the author of these rules was drafting them, if he meant recirculation to include circulation, he should have said so. The point could have been met by saying that the Bill be circulated or re-circulated, as the case may be, and not that the Bill be recirculated. On the other hand, Sir, I should not like to be absolutely sure in my own mind that the author of these regulations was so all-wise and all-farseeing that he anticipated the ingenuity of Mr. Neogy and other Members, and I think, Sir, in my view there is obviously room for doubt whether the intention of the rule should be regarded as the exclusion of a possibility of a motion for circulation when a Bill has not been previously circulated. At the same time, I am bound to say that in the interests of Government and the expedition of business, it seems to me that it is somewhat undesirable to create a precedent under which once the Government have escaped the circulation of their Bill at the proper stage, they should be liable to the danger of having it circulated after it has come back from the Select Committee, unless there is some obvious change which might alter the situation, in which case it should probably withdraw the Bill and introduce it again I would, therefore, suggest, Sir, that you should, if possible, avoid a ruling on the subject and allow Mr. Neogy to move his second motion

Mr. S. Srinivasa Iyengar (Madras City : Non-Muhammadan Urban) : Sir, the greater includes the less. When it is said in the Standing Orders that the House has authority to allow a recirculation, even when there has been a circulation before it was committed to the Select Committee, it would include the right on the part of the House to ask for a circulation of the Bill. The recirculation is an emphatic way of stating that even though it had been circulated once before, it can be circulated again Of course, we know that language is employed in Statutes which has no emphatic meaning sometimes, and certainly the word "recirculation" includes circulation in the context, and having regard to the spirit and purpose of the Standing Order, the right on the part of the House to allow the circulation to be made must be acceded to.

Mr. M. S. Aney (Berar Representative) : I think, Sir, the strict interpretation which some Honourable Members are trying to put upon it will land us in a strange legal difficulty. It is tantamount to introducing a new rule of interpretation. I think that the ordinary rule is that we are

[Mr. M. S. Aney.]

not to presume a rule of estoppel unless it is expressly provided for. As no such express rule has been provided for, we should not be justified in assuming that the right of Members of this House to move for circulation is altogether gone, or that they are estopped from moving for circulation after the Bill comes back from the Select Committee That sort of estoppel cannot be presumed unless it has been expressly provided for. On that ground also, I think the interpretation put upon the rule by Mr. Neogy is very reasonable

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan) : Sir, may I just point out a thing or two in connection with this motion ?

1 P.M.

Mr. President : I think on the whole I should be disposed to agree with the Honourable the Leader of the House and give the benefit of the doubt to Mr. Neogy.

Mr. K. C. Neogy : Sir, I am very thankful to you for having given me the benefit of the doubt, but the alternative amendment which stands in my name would have been quite as good or quite as bad as the one I am moving, so it does not at all affect the position whether I am permitted to move this or the next Sir, it seems to me there is a sort of misapprehension as regards my attitude towards the cotton industry, and that is due to certain observations which I made .

The Honourable Sir George Rainy : May I ask, Sir, which of his motions the Honourable Member is moving ?

Mr K C. Neogy : I am moving the one that I have moved. I did not read the other one. Well, Sir, I want to remove any such misapprehension that might be in the minds of any Member of this House or anybody outside Sir, what I intended to convey on the last occasion was that, when we are asked to consider the question of giving protection to the cotton textile industry of India, we should remember that here we have to find the solution for certain difficulties which face Bombay particularly and that the circumstances with which Bombay has to contend are not quite the circumstances with which the mills in the other parts of India are faced ; and in seeking to draw this distinction I was particularly reminded of the remarks made by the Tariff Board that it is not a case merely of competition with Japan, so far as the Bombay mills are concerned, it is also competition from places outside Bombay that also has got to be taken into consideration. I thought that, if we had to concede the principle that a section of the industry—it may be a very important section of the industry—has got to be protected not merely because it finds it difficult to stand competition from a foreign country but also because it finds it difficult to stand competition from certain other parts of the country, I thought, Sir, that we might be landing ourselves in difficulty because a time might come when the Bombay mill industry might ask for protection against the rest of India. When I made these observations I made it quite clear that, so far as the provisions of the present Bill were concerned, I was not prepared to oppose it. What I conveyed was that, if the measure of protection was sought to be increased to the detriment of the consumer and the handloom industry, this House should not be counted on for support for this measure, and that is the indication I gave

to the members of the Select Committee when the last motion was made. On the present occasion I do not propose to oppose this Bill outright, and I have taken care to so frame my amendment as to enable me to plead for further time for consideration of this very important matter. Sir, the Honourable Member in charge stated this morning that, while we take into consideration the case of the mill industry, we must at the same time give careful attention to what it might mean to the handloom industry. It is a question of preference,—whether we are prepared to protect the Bombay mill industry at the expense of the handloom industry in India. I think the whole question boils down to that. It has been admitted by the Report of the Select Committee that this measure will certainly affect the position of the handloom industry. The question is as to what is the extent to which it will be affected. Before we come to that, Sir, I want to point out that, so far as the number of people who are interested in either of these industries is concerned, if numbers are to influence our judgment in any way, then certainly our judgment should go in favour of the handloom industry. It has been pointed out that the Bombay mill hands number about a lakh and a half, and I think the total number of mill hands in India is about 3,68,000 or thereabouts When we come to consider the number of handlooms, we find that the number given in the last Census Report was somewhat in the neighbourhood of 20 lakhs of handlooms. But this number did not take into account handlooms in certain provinces and in certain Indian States, so that we do not know exactly what the number of handlooms in India is, but it is safe to put the figure at somewhere near 25 lakhs. And it has been asserted by men who have made a study of this question that, even on a modest computation, the handloom supports over 60 lakhs of people. So when we come to consider the number of people who are affected by this measure we find we have a lakh and a half, or even more if you like, 2 lakhs or 3 lakhs at the most, and on the other hand we have the interests of 60 lakhs of people. Then, Sir, we find that the Select Committee was at pains to point out that inasmuch as we are putting up the import duty on yarn of particular counts only, the effect of that increase in the duty, entailing as it will an increase in the price of yarn, will be to effect an additional cost of about 12 lakhs a year. I will read about one or two passages on this point from the Report of the Select Committee They say :

> "It is possible that the price may be raised to the full extent of the difference between the 1½ anna duty and the 5 per cent duty In that case the additional cost is estimated to be Rs. 12 lakhs a year. But the yarn of counts from 31*s* to 40*s* is probably not more than 10 per cent. of the total yarn consumption of the handloom weavers, and the additional cost spread over their whole output would not seriously affect them"

Sir, I am very much afraid that my Honourable friend, Sir George Rainy, and also the Select Committee overlooked the considered observation made by the Tariff Board at page 39 of their Report (paragraph 20) on this subject. This is what they say, while dealing with the question as to whether the price of the Japanese yarn as between these two counts does affect the price of other counts as well :

> "In view of the fact that there is a definite relative value between the prices of the various counts of yarn sold and that a fall in the price of yarn of counts 30*s*. or 40*s*. therefore affects the price of all other counts in a varying degree...."

There the Tariff Board was dealing with the question of a fall in price affecting sympathetically the price of other counts. Here we have a converse case : the question as to whether when there is a rise in price of these

[Mr. K. C. Neogy.]

particular counts, the price of other counts will also be affected sympathetically or not. That is a point, Sir, which I submit has been overlooked by the Select Committee, and I therefore say that they were under-estimating the prejudicial effect which this measure will have on the handloom industry. Sir, the Select Committee further made the observation :

"We recognise the difficulties which always exist in forecasting the exact effect of an increase in duty, and we consider that the actual effect on the handloom industry should be watched. We recommend, therefore, that the Government should be asked to address Local Governments on the subject, desiring them to have special inquiries made and to report on the subject six months after the passage of the Bill into law."

Sir, I do not know why it is that the Committee fixed the period at six months. We find here that the Committee are absolutely uncertain as to the effect which this increase in the price of yarn will have on the handloom industry. If, therefore, it is their desire to ascertain exactly the effect of the enhanced duty, it is quite conceivable that six months will be too short a period or too long a period. So far as we know and as we can imagine, the immediate effect of our discussions in this House will be, if it has not been already, to lead to a larger import of yarn from abroad, so as to obviate the enhanced duty that we are discussing. The result will be that for some time to come perhaps there will be a considerable additional quantity of yarn available in the country which will not be affected by the enhanced duty, and if its price does not rise on that account, it may be that the effect of this enhancement of duty will not be felt to the fullest extent within the next six months. If, therefore, Government propose to wait for a little while more, that is to say, enlarge the period to, say, 12 months, what is likely to be the effect ? As has been said by Mr. Noyce when he put some questions to a witness :

"After all, the handloom industry has very little in the way of resources, and if prices go up, would it not be hit very hard ?"

That was the question he put to the witness :

"Would it not be hit immediately and possibly with fatal results ?"

The witness agreed that the price of cloth will go up Then Mr. Noyce put the question :

"Quite so That restricts consumption. My point is that the restriction of consumption may act much more quickly and with more direful results in the case of the handloom industry than in the case of the mill industry. The mill industry might be prepared to put up with restriction of consumption in the hope of an ultimate lasting benefit, but the handloom industry might be dead before the benefit came along"

So, I say, Sir, the handloom industry might be dead if the Government were to prolong the period for making this inquiry. If not altogether dead, as apprehended by Mr. Noyce, it might be seriously affected. Therefore, I say, Sir, if you are really anxious to look into the matter more carefully (on your own admission, you have not got materials sufficient for the purpose of coming to a definite decision on the point), you ought to undertake an inquiry before you embark on this measure of tariff reform. So far with regard to this point.

Several reasons have been advanced as to why these particular counts have been selected for an increase of the duty. I am not going to repeat them. But to my mind there is perhaps one ground which has not been

so far touched upon, and that is to be found on page 36 of the Tariff Board's Report. The Tariff Board here point out that :

"an almost equally striking feature has been the gain of Japan at the expense of the United Kingdom in counts 31*s*. to 40*s*."

Sir, I do not know whether it will be fair on my part to give expression to any suspicion that I may have in my mind as to the reason that induced my Honourable friend Sir George Rainy to select these particular counts for an enhancement of duty. Certainly the Tariff Board never recommended that protective action should be confined only to counts between 31*s*. and 40*s*. I do not know whether he had any personal feeling about it, whether in selecting these counts, he wanted to have a sort of retaliation on behalf of Great Britain. Sir, the *Textile Mercury*, a well-known technical journal, dated May 30th, 1925, has the following rather significant observation :

"A suggestion has been made in Lancashire recently that India should be urged to put up a tariff against Japan with the idea of benefiting the Lancashire cotton industry."

Sir, this was followed by the visit of a very prominent millowner of Bombay to England, and I have seen rather uncharitable observations made as to the object of his visit there and as to the nature of the conversations he is supposed to have had with the Lancashire people. I have no intention to peer behind the scene on the present occasion, but the result of all these negotiations and agitation for the protection of the mill industry has taken the shape of a proposal to raise the import duty on certain kinds of yarn in regard to which England has got a very legitimate grievance against Japan I will not say anything more on the subject.

Sir, it has been said by the Honourable Member in charge this morning—it was said by some other Members also on a previous occasion—that we must pay sufficient regard to the national importance of this industry. I will be the last person to under-rate the national importance of such an industry as the cotton textile industry of India. But, Sir, when an appeal is made to our patriotic sentiments, can we not ask the millowners to observe that rule " Do unto others as you would be done by " ? What has their attitude been in regard to other industries of India ? My Honourable friend Mr. Das on the last occasion made a complaint that the Bombay mill industry had done little or nothing to promote sister industries—allied industries—industries on which they depend for the carrying on of their own business. Here I have an instance in which they have been very negligent of the interests of another great national industry in India. The industry to which I am going to refer has also been suffering on account of unfair competition from another country. May I not expect my friends from Bombay, my millowner friends, to have a little more sympathy for another struggling industry of India ? Sir, telegrams were sent to the members of the Select Committee from the Indian Mining Federation referring to an instance in which the Bombay mill industry, or a particular firm of Bombay millowners, went in for a large indent of bounty-fed South African coal in spite of the fact that cheaper coal was available to it Sir, that message came from an interested party, but here I hold in my hand the comment of a recognised commercial journal conducted by Europeans, I mean the *Commerce*, dated the 3rd September, 1927. This is what it says :

"During the past fortnight there has been no business of any importance reported except that a series of cargoes of Natal coal amounting to about 50,000 tons in the

[Mr. K. C. Neogy.]

aggregate have been fixed for delivery up to June 1928, and that Messrs. Currimbhoy Ebrahim and Sons have accepted Natal Northern Navigation coal 1,500 tons per month, the reported price being Rs. 27 per ton c. i. f., which means about Rs 18-3 at the present rate of exchange and adding landing and delivery and charges, and import duty it brings the cost delivered to about Rs. 22-9.

"Now we know......"

this is how the paper proceeds :

"... they were offered Selected Grade 14 seam Jherria railborne at a price which would mean, delivered, weighed and stacked at mills, about Rs 21 4 per ton What then is to be said when an Indian industry will pay over Re 1 per ton more for foreign coal rather than support its own country's coal industry ? And further, it is a well-known fact that railborne coal is always in much better condition than is the case with seaborne However, there is the fact, and this market has to contemplate at any rate for the next eight or nine months, the competition of roughly 6,000 tons per month certain of coal which should by all means have come from India's collieries, instead of from Africa "

Are we not entitled to expect fair play even from the Bombay millowners ?

Sir, there is one other point which I desire to mention, and that arises in connection with the effect that our discussions have already produced in Japan. I do not hold any brief for Japan. If we find that our industry is being hit on account of unfair competition from any foreign country, I should be the first man to support any sound proposal for a fair amount of protection to be given to that industry against unfair competition, having regard, of course, to the interests of other home industries and the interests of the consumer. I do not, however, make light of the apprehensions that are crossing my mind of an impending economic war between two great Asiatic people. I have seen observations in the press which make me fear that our apprehensions may not prove altogether groundless. It is said that a Tariff Enquiry Committee is about to sit in Japan, and if we were to take any hasty action with regard to this matter, it might have the immediate result of influencing the decisions of the Tariff Committee in Japan and inducing it to recommend retaliation. When we talk of retaliation, let us remember what great stakes we have in our export trade with Japan. There is one particular trade which perhaps more than any other may be affected adversely if such retaliation ever takes place, and that is pig-iron. I warn this House to seriously consider whether it is proper to rush this measure without paying sufficient regard to the possibilities of complications of a rather international kind It does not seem that this measure has satisfied anybody. Not sufficient, says the millowner ; injurious, says the handloom industry ; and on the top of this we have the not altogether unlikely contingency of Japan retaliating. I therefore submit to this House very respectfully that before we take this measure into consideration we should have a little more time to ponder over the various issues that are involved ; particularly when we find that the Government themselves are not in possession of sufficient facts to enable them to say with any amount of certainty as to what the effect of this legislation will be on the handloom industry. With these few words I commend my motion to the House.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. C. Duraiswamy Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, may I have your ruling as to whether we should confine our remarks to the amendment moved by Mr. Neogy or discuss the whole matter.

Mr. President : The Honourable Member might go on until he is asked to stop.

Mr. C. Duraiswamy Aiyangar : Sir, I rise to make an appeal to this House on behalf of the handloom weavers, and in so doing I feel no hesitation in opposing the motion made by the Honourable Sir George Rainy. Sir, it seems to me that I cannot congratulate the Honourable Sir George Rainy on this inauspicious inauguration of his administration of the Commerce Department by laying his sword primarily upon the poor handloom weaver. Sir, we have often heard it said, and there is no doubt that the Government in India has gained notoriety for carrying on the administration on the policy of *divide et impera*, but we thought it was confined only to other matters and not to industry and commerce But to-day, Sir, the Honourable Sir George Rainy is inaugurating his regime by dividing one part of an industry against another by separating the handloom weavers from the millowners and making them fight with each other. Sir, this Bill is, and for the matter of that there always is, a frequent prayer for protection on behalf of the millowners of Bombay. So much so that I have often felt that this Assembly is fast becoming the millowners' association. The present agitation is made soon after the protection that has been granted to the millowners even to the prejudice of the handloom weavers in this country by the removal of the cotton excise duty. That, Sir, was operating as a big protection wall against the poor handloom weavers in this country, and upon some big political issue they raised a hue and cry over that matter and got the cotton excise duty abolished Sir, I must frankly make a confession to this House that in voting for it I voted against my conscience. Sir, I may point out to this Assembly that there are three classes of millowners There are mills which are purely spinning mills, there are mills which are purely weaving mills, and there are mills which are combined spinning and weaving mills Of the 274 mills in this country 50 per cent are in Bombay while the rest are scattered all over the country. But of these, Sir, the purely spinning mills are 50 in number, the purely weaving mills are 23 in number and the combined mills are 201 in number. Of these three classes, Sir, the class which is most affected and which is most clamouring at the present time, stating that they are in a very depressed condition, that they are dying, that they are in the last agonies of death—all these groans proceed more or less from the first class, the purely spinning mills So far as the purely weaving mills are concerned, they stand more or less on the footing of the handloom weavers, and they do not mind whether such protection is granted or not, because they have to depend for their yarn upon other mills or upon imports. And so far as the combined spinning and weaving mills are concerned, they are mills which make use of all the yarn which they can spin and they cannot, therefore, be put to serious difficulty. Therefore, it appears to me, Sir, that the whole clamour is proceeding from 50 millowners who have got purely spinning mills. If

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instead of clamouring like this and trying to kill the handloom weavers, they only added looms to their mills all this crying would have vanished. But, Sir, we are not concerned with what they might have done. We are faced with what they are at present doing. Now, Sir, I come to the handlooms. The Honourable Sir George Rainy raised the question which is the national industry of this country, the handlooms or the mills? But not feeling sure of his ground he evaded giving an answer to it himself. Sir, I will tell him that the national industry of this country is the handloom industry It is the most ancient industry of this country. It is the industry which is protecting the largest class of poor people in this country. It is the cottage industry above all others of India. Sir, are you going to apply the term "national industry" to this handloom industry or are you going to apply it to the mills, whose owners get all their stores from England and who contribute but a small portion of their work for the manufacture of cloth in their looms? Is that the national industry or is this cottage industry national? If this cottage industry is the national industry, then I have no doubt that Sir George Rainy would not have said that it is an extreme proposition to protect the handloom weavers in spite of the depression in the mills. I am sure he would not call it too extreme a proposition if only he had considered the true definition of a national industry and understood that the handloom weaving industry is the national industry of this country. Sir, you will find that the statistics in the case of the handloom weaving industry are not so critically taken as in the case of the mill industry. The Government rarely bestows any attention upon the poor handloom weavers, and if we refer to figures at all we must take the last census of 1921. And we are now six years after that According to the figures there given, Sir, we have got 19,38,072 handlooms in this country, of which I may specifically mention the important provinces In Assam there are 4,21,367 handlooms ; in Bengal 2,13,886 ; in Bihar and Orissa 1,64,592 ; in Burma 4,79,637 , in Madras 1,69,403 , in the Punjab 2,70,507. I need not quote the smaller figures. But these figures do not give, according to the statement made in the Tariff Board Report or the evidence there, the figures for the Bombay Presidency, the Central Provinces, the North-West Frontier Province, the Mysore State, Kashmir, Baluchistan, Kathiawar, etc. ; and they estimate that in all there must be 20 to 25 lakhs of handlooms in this country upon which depends, not in the luxurious scale obtainable in the mill centres but at the rate of 3 annas per head, the maintenance of 6 millions of people. Sir, I have not heard till now one strong voice being raised in this Assembly during the period of nearly 4 years of my experience here on behalf of these poor people, except that one friend of mine, Mr. R. D Bell of Bombay, who advocated the cause of the handloom industry in this Assembly. I am sorry I do not find him in this House at present. He was so placed in this Assembly that he was by my side in the non-official block even though he was a nominated official. Sir, it is said also, and I am sure the figures are correct, that in the Bombay Presidency where the mills loom so large there are 800,000 people in three hundred centres who all depend on handlooms. Sir, I ask is the case of these handloom weavers to be treated lightly, with levity, with indifference, with neglect or with apathy? I say, Sir, that the Honourable Sir George Rainy would do well to bestow his most sympathetic attention on the condition of the

handloom weaver, in the first instance, before he proceeds to hobnob with the millowners of Bombay. Sir, what is the treatment that has been accorded all along to the handloom weavers in this country? When the millowners wanted to import their machinery and stores they were allowed to do it on a duty of 2½ per cent. But when the handloom weavers wanted to import machinery or tools they had to pay an import duty of 15 per cent. till last year. I made some feeble agitation over this in the last Assembly, but my agitation was not favourably treated. Luckily, however, Mr. Saklatvala simultaneously raised the same question in the House of Commons, and when the British Parliament wanted this Government to give an explanation in this connection, then a Bill was introduced reducing the duty to 2½ per cent. That is the treatment, so far as purchase of stores and tools are concerned, meted out to the handloom weavers. Then, Sir, the import duty on yarn, although it was objected to on principle, although it was condemned by the Fiscal Commission, was still imposed at the rate of 5 per cent. for administrative or revenue purposes. Then, Sir, as I have already said, the cotton excise duty was abolished. Now, Sir, I would refer this House to a short passage in the Fiscal Commission's Report in which the members of that Commission expressed complete sympathy with the condition of the handloom weavers. In paragraph 116 of the Report, at page 66, they say:

"In the course of our tour we received a certain amount of evidence in regard to the principle of a duty on cotton yarn, some witnesses advocating it as a measure of protection to the Indian spinning industry, while others pointed out the ill effects which they anticipated any such duty would produce on the handloom industry. In the current year's budget, however, the Government of India, impelled by the necessities of the financial situation, proposed the imposition of a duty at the rate of 5 per cent., *ad valorem*, on imported cotton yarn The proposal was accepted and passed by the Legislature. We feel that we are not in a position to pronounce any definite opinion regarding the propriety of this duty. But we recommend strongly that in view of the fact that the duty has been imposed without, as far as we are aware, any detailed enquiry into its possible effects on the interests concerned, and that in accordance with our general principle that no duty should be imposed on a partly manufactured article like cotton yarn until the effect has been carefully analysed by the Tariff Board, the question of the continuance of the duty on cotton yarn should be referred at any early date for investigation and report by the Tariff Board The evidence which we received from those interested in the maintenance of the handloom industry was that the great bulk of imported yarn is consumed by the handlooms, that the rise in the cost of the cloth which would result from a duty on yarn was likely to affect the demand for the product of the handloom, and that it was even probable that the handloom weavers, owing to their ill-organised condition, might not be able to pass on the whole of the duty by raising the price of their cloth, and therefore the duty would to some extent have to be paid directly out of their own pockets This, it was felt, would constitute a heavy burden on a poor class with small resources It was further urged that in the coarser qualities of goods the handloom weaver is in direct competition with the Indian power looms, and that a duty on yarn would confer a clear advantage on the power looms The weaving mills for the most part obtain their yarn from their own spinning departments, and consequently the cost of the yarn which they use will not be affected by the import duty. The handloom weavers on the other hand, having to purchase yarn in the market, will undoubtedly have to pay a price which takes into account the import duty, whether they purchase imported or Indian made yarn. The Tariff Board will have to examine the validity of these contentions and also the question whether any duty on cotton yarn is required for protective purposes, for though the present duty has been imposed by the Government purely in order to raise revenue, the advocates of the duty regard it with satisfaction as a measure of protection."

But, Sir, what has been done by the Government of India since the imposition of the 5 per cent. duty? Did they take the advice of the Fiscal

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Commission ? No. But then a chance occurred to them and the Tariff Board had to go through the whole question and had to give their opinion. But with what courtesy is the Tariff Board's Report treated by the Government ? They brush aside most unceremoniously the recommendation made by the majority report of the Tariff Board. The Honourable Sir George Rainy at least, who has had some experience with a Tariff Board, and to whom it was one of the rungs of his ladder, should not now kick it. I would therefore request the Honourable Sir George Rainy to look upon the Tariff Board's Report as more valuable than the clamour which has encircled him since the Report was made. And what does the Tariff Board Report say with reference to the levy of an import duty on yarn ? At page 175, they say :

"*The majority of us consider, however, that the imposition of any additional* duty on yarn is undesirable in view of the effect that this would have on the handloom industry which in 1925-26, according to the figures given in Appendix IV, supplied about 26 per cent of the total consumption of cloth in India. It was represented to us by many witnesses, including some Directors of Industries, that the imposition of an additional duty on yarn would not affect that industry unfavourably as the greatest part of its output is of cloth woven from yarn of the finer counts and may, therefore, be regarded as a luxury product, any increase in the price of which due to an enhanced duty could easily be passed on to the consumer We are not convinced by this argument."

Sir, the Tariff Board have made it very plain what their view is ; they held an elaborate enquiry and took much evidence. I crave the liberty of referring to a few pages in the evidence. In Volume III we have got the opinions of Local Governments and also the opinions of the Directors of Industries and textile experts, all men who have studied the question and gone carefully into it. But all that evidence is of no value to this Government. At page 1 of Volume III the Madras Government say :

"Until the reasons for the depression are ascertained and the industry reformed and placed on sound business lines this Government are unable to recommend any form of assistance or additional taxation "

To that is appended a note by the Director of Industries, Madras. He says :

"The approximate quantity of cotton yarn consumed per annum by the handlooms in the whole of India and in the Madras Presidency may be taken as 200 millions and 60 million pounds respectively. It will thus be seen that one-third of the total quantity of cotton goods manufactured on handlooms in India is produced in Southern India."

Then again he says, dealing with the suggestions put forward by the Bombay Millowners' Association specifically :

"In the interests of the handloom weaving industry, I am opposed to increasing the duty on imported yarn and am inclined to favour the removal of the present *ad valorem* import duty of 5 per cent. now levied on yarn. The abolition would help power weaving mills, which are not combined with spinning mills, as well as the development of the handloom weaving and indigenous dyeing industries and subsidiary manufactures, such as hosiery. Nearly 75 per cent of cotton yarn consumed by handloom weavers is imported from overseas. It pays the Indian mills to produce coarse and medium counts of yarn. They do not produce yarn of fine counts on a large scale and the increase of duty on yarn would not therefore materially help the spinning mills in India. A large quantity of imported fine grey yarn is dyed and utilised in the manufacture of a class of coloured goods referred to in my answer to question 38. The removal of the import duty would therefore not affect even the weaving mills in India. The handloom weaver cannot afford to pay more for his yarn than he is doing

at present as the price of the hand woven product is already at a higher level than that of mill made cloth. This imposition therefore constitutes a burden on the mass of poor people with small resources who indirectly pay the duty. When Japan gradually assumed the control of the China market to the exclusion of inferior and costly Indian mill made yarn, the Indian millowners proceeded to add weaving sheds to their spinning mills and necessarily produced yarn superior in quality to that formerly exported to China. The Indian mills hope to supply with the aid of an enhanced duty of 18 per cent., the bulk of the yarn of all counts below 40s. used by the handloom weavers in India. In my opinion it would not be in the interests of the handloom weavers in India if they were to depend entirely on the Indian mills for the supply of yarn

The fact that handloom weavers demand yarn in straight reeled hanks indicates that they have little faith in Indian mill yarn being of reputed counts and of correct length for a given weight, leaving aside the more important question of strength and elasticity required for standing frictional resistance and strain during weaving."

Sir, then on page 13........

Mr. President : I would inform the Honourable Member that reading such long quotations is not permissible

Mr. C. Duraiswamy Aiyangar : The quotations are more authoritative I will only make a brief reference to them On page 13 the Burma Government says :

"As regards the proposed import duty on yarn and piecegoods, the Local Government has not sufficient information to say whether foreign exporters of yarn and piecegoods to India are making sufficient profit to enable them to reduce their prices by the amount of the duty and thereby put their goods on the wholesale market at the same price as before."

Then, Sir, on page 15, you have this. It is worth reading. The Government of Bihar and Orissa say

"While welcoming the inquiry of the Tariff Board into the causes of the present depression in the Bombay cotton mill industry and which is to suggest measures which might be taken to restore it to prosperity the handloom weavers have reasons to view the suggestions of the millowners with some concern lest the interests of the handloom weavers be overlooked As a result of the inquiry of the Indian Fiscal Commission of 1922 their raw material, viz, yarn was taxed by the imposition of an import duty of 5 per cent which enabled the cotton mills to put into their pockets and additional profit from the earnings of the handloom weavers. By the abolition of the excise duty in December last the only protection which the handloom weaver enjoyed so far and which counterbalanced the import duty imposed on his raw material was withdrawn. Now the present demand from the millowners is for further enhancement of the import duty not only on piecegoods but also on yarn It is very unfortunate that there has been little organised effort to put forward the claims of the handloom weavers. Very few people are aware that this industry supporting over 5 million of people is responsible for an annual output of about 50 crores worth of cloth and realise that it plays a very important part in the economic well being of the country. The Indian mills which have practically lost their export trade in yarn have now to depend on the handloom weavers for the disposal of about 230 million lbs. or one-third of their entire output in yarn. The cotton mills have no case to be protected at the expense of cottage artisans who with great difficulty can make both ends meet "

I need not read more. Honourable Members will find other opinions on page 23, and on page 25 they will see the opinion of the Assam Government. All Governments have voted against Sir George Rainy's motion. Then, Sir, on page 457 you will find what the Labour Textile Union of Bombay have stated. I want particularly to quote it for the benefit of my friend Mr. Joshi who supports the Bill and does not want to reject it. This is what they say :

"The imposition of an additional import duty of 13 per cent on yarn and piecegoods recommended by the millowner's association will have a very adverse effect upon

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the prices of cloth in India They will go high considerably and the consumer and ultimately the industry itself will suffer. The Board are already aware that the prices of cloth are much higher than those of other commodities and if they are allowed to go still higher my Union is afraid that the prices will be almost prohibitive and that the demand for cloth will be much less than it is to-day Moreover, my Union is more than doubtful whether, by raising the import duty, the imports of foreign and especially Japanese goods will be restricted or their prices will be such as will enable the Indian mills to sell their cloth favourably. If Japan takes it into her head not to lose the Indian market she can adopt measures to still further lower the selling prices so as to maintain her position in India If this is done the additional import duties will have no effect whatever; and the Indian mills will still be in the position in which they are to-day. Further, the Bombay Millowners' object of bringing the labour conditions in Japan on a par with those in India will not be achieved; on the contrary, the Japanese employers may worsen the labour conditions there in order to enable them to compete in the Indian market with the increased import duty."

If my Honourable friend Mr. Joshi is not satisfied I will quote his own evidence My Honourable friend Mr. Joshi is the one gentleman about whom I was disappointed when he abandoned the condition of the handloom weavers and considered only those who are employed in the Bombay mills. On page 515 of this volume........

Mr. President : Why not lay it on the table ? (Laughter.)

Mr. C. Duraiswamy Aiyangar : This was placed in the Library and nobody read it. I am therefore ....

Mr. President The Honourable Member does not seem to take the hint. He must understand that such long quotations are not permissible

Mr. C. Duraiswamy Aiyangar : I am sorry, Sir, I will close with this :

" *Q.*—There are ways and ways of doing things, Mr. Joshi. You are not in favour of an increased import duty ?

A—No, because I think it is a wrong method of giving protection.

Q—You consider it would increase the cost to the consumer ?

A—Yes ; and on the whole it will not do good to the industry. Your people will not purchase goods if they become more costly and the industry may lose instead of gaining

Q—But the millowners consider that probably the increase in the cost to the consumer would be negligible if you put on this 13 or 17½ per cent. they suggest.

A.—I can only say that their idea of negligible and my idea of negligible are different."

Sir, I do not wish to quote any more and I would ask my Honourable friends in this Assembly to read the passage for themselves. I now come to Sir Victor Sassoon's arguments. He has appended a minute to the Select Committee's Report He need not have appended a minute because he entirely concurred with them. It was not a dissenting minute but a pleading minute, a defence minute, defence of the mills in Bombay. He there takes the opportunity of answering the various charges which are levelled against the mill management, over-capitalisation and mill working and other things for which that was certainly not the right place However, nobody grudges it. But I am not concerned with the defects of mill management, but I am concerned only with his argument when he says, comparing the price of 40 counts on the 18th August the Japan yarn was saleable at 15.75 annas per pound inclusive of the import duty of 5 per cent. Taking the price of cotton on that date at Rs. 620 per candy he puts the same count of Indian mills at 19.71 annas per pound,

and argues that there is an advantage of 25 per cent. and even if another 5 per cent. is taken away from that, the handloom weaver will still have an advantage of 20 per cent. Of course I do not ordinarily dabble in these figures. We are accustomed more to sections and Codes rather than to figures but to my common sense it does not appeal to say that the price of Japanese yarn on that date, which is based on the cotton price of some other day, is compared with the price of yarn in India on that particular date. Now, Sir, I would like to ask him also to consider in connection with this suggestion that the price of a particular count of cotton is not the only test to be applied when we consider the effect of the import duty that is levied by Statute on a particular count. It is admitted by the Tariff Board on page 36 or 37 that there is a definite relationship between the higher counts as well as the lower counts in the matter of adjustment, rise or fall in prices, when a duty is raised on any particular count. Supposing there is a particular count of yarn which can be had at 12 annas per pound and if 1½ annas is added to it the importer can sell it only at 13½ annas. But the handloom weavers depend upon the Indian mill yarn for the lower counts Now, what is there to prevent these Indian millowners from raising the price from 12 annas to at least 13 annas, leaving a margin of half an anna in order to shut out Japan. Then, I submit that if the higher count is sold at 15 annas, people will have to take lower counts for 13 annas Putting it at the lowest, supposing he raises it by three pies, even then, Sir, the handloom weavers who have to depend on Indian mill yarn to the extent of 260 million pounds will have to pay three pies per pound more upon those counts which they purchase irrespective of the present existing prices. If they raise it 3 pies per lb. over the existing prices, that makes up 40 lakhs of rupees. Where is the force in saying that this additional increase of duty on yarn at 1½ annas will affect only to the extent of 10 per cent. of the consumption and that it will give only 12 lakhs of rupees and nothing more ? 12 lakhs of rupees can be easily distributed over 30 crores and those who purchase will not feel it a great burden. But, I submit that this argument cannot be upheld On the other hand there is absolutely no doubt of the fact that there will be a general rise in prices even over others. But what is the way in which they propose to meet this ? They say internal competition will prevent any rise in price of the lower counts. Sir, the millowners are an organised body, they know how to form a combine, they know how to keep the market in their hands, though not by underbidding at least to a certain extent in other ways. The handloom weavers are unorganised, disorganised, helpless, voiceless, voteless. It is therefore perfectly possible for the millowners to buy even lower counts and hold it at higher prices. It is not therefore correct to say that the extent to which the handloom weavers will be affected will be only to the extent of 12 lakhs. On the other hand I submit that even if three pies more are added to the rest of what they have necessarily to buy from the Indian millowners, they will have to add 40 lakhs more. I will not be surprised if they raise the price to half an anna. Is there any guarantee that these Indian millowners will sell lower counts at the price at which they are now selling even after this duty on yarn is modified by this Indian Tariff (amendment) Bill? Sir, they will certainly not give a guarantee and nobody can take a guarantee from them with certainty. Now, Sir, the contributions which the handloom weavers are making to the consumption of cloth in this

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country as not very small. After all, even at this stage, in spite of so many struggles for existence, the handloom weavers are not a negligible factor. The mill production gives us about 1,789 million yards, imports 1,769 million yards, and the handlooms 1,372 million yards. It gives us at least 28 per cent. That is the contribution of the handloom weavers. But, Sir, there is a depression in the handloom industry. Look at Appendix IV of the Tariff Board Report where they say that in 1924-25, the handloom weavers produced 1,256 million yards, but in 1925-26 they produced only 1,160 million yards. Who cares for that depression. If there is depreciation of 40 or even 20 million yards in the mill industry, there is a great hue and cry raised in the whole of India.

My Honourable friend Sir Purshotamdas Thakurdas rightly said in his minute of dissent that this protection which is sought to be given by this Bill is only an eyewash, and in fact, everybody is agreed on this point, and even in the speech of the Honourable Sir George Rainy, we could not find any warmth imported into it because he knows the weakness of his case. He put his case fairly as a judge does to the jury slightly hinting here and there that the Bill should be supported. He himself does not believe in the correctness and stability of his position as to be able to say that this will not affect the handloom weavers ; but that it will benefit the millowners is a proposition which is illogical on the face of it. To the extent that you give benefit to the millowners, to that extent it is a loss to the handloom weaving industry. You only take away something from the handloom weavers and give it to the millowners ; it is nothing else. Therefore, there is no meaning in saying that this Bill does not affect the handloom weavers while benefiting the millowners. That is why no millowners have till now agreed that it is benefiting them. My Honourable friend Sir Victor Sassoon has taken care to say : " Let us take even the small gifts that are offered to us by Government ". I ask Sir Victor Sassoon and his fellow millowners to stand up with self-respect in this Assembly and say to the Government " we will not go to you with a begging bowl. We will not take these small pittances of nine and three pies. If you are prepared to protect our industry, protect us properly. Protect us by all means, but do not kill another neighbouring industry. Do this, otherwise we will not accept your offer. We will rather die than take this protection from the Government which entails the destruction of a neighbouring industry ". Well Sir, this must be the attitude of the millowners towards the Government. When the Government are so half-hearted in giving this protection and at the same time they want to kill this handloom industry, it is up to the millowners to refuse this protection. Sir, these millowners, let it be noted these millowners, like the Japanese people, have never been favourably inclined towards our national industry, properly so called. I am not for the moment pleading the cause of Japan. I am not swayed by the threats of my Honourable friend Mr. Neogy that a tariff war might arise between India and Japan. I am the least swayed by all these threats. The Japanese have been trying to kill our handloom industry and our own millowners have been doing the very same thing now. I refer to the *khaddar* industry. When the *khaddar* industry was started, when hand spinning and hand weaving were introduced in order to make an offday earning method for even the

agricultural population and to make it a widspread cottage industry by reviving it, what did the millowners do ? The millowners produced *khaddar* and dumped it in the market. The Japanese did the same thing. Mill-made *khaddar* was passed for Gandhi cloth and pure hand spun and hand woven *khaddar*. The millowners have cheated us. (Laughter.) Therefore I have no sympathy with the millowners nor with the Japanese. Having taken an oath that I will not quote anything, I hope I will be permitted to say merely the words of the greatest man only in a few sentences. With reference to this mill *khaddar*, Mahatma Gandhi says :

"I have been painfully aware of it. I had hoped that the millowners would give up the undesirable practice. But it was hoping against hope. Wherever I have gone people have drawn my attention to this unpatriotic conduct on the part of some millowners. The only comfort I have derived from the usurpation by the millowners of the name *khaddar* is, that it is proof of the popularity of *khaddar* among the masses upon whose ignorance the millowners are playing. For, I know that wherever the buyers have discovered the deception, they have cursed themselves and the millowners ".

Sir, I am not therefore in sympathy with either. The newspapers published a telegram saying that the Cotton Spinners' Association of Japan are trying to leave no stone unturned to see that this Bill is thrown out. That is published in the newspapers. The millowners have not been less vigorous. They are also leaving no stone unturned in seeing that this Bill is passed. I have no sympathy with either. My submission is that this Assembly while giving benefit to one industry should see that it does not kill another industry. The handloom weavers are very poor people. You talk of unfair competition in Japan ; you say that women in Japan are working during the night. Here look at the handloom weavers. All of them, men, women and children, are working day and night and they are not able to earn three annas per day per head, and still you want to impose this burden upon them Why all this talk of giving protection to a national industry. I ask the Honourable Sir George Rainy to give us a proper definition of the term "national industry ". Therefore, Sir, I have no hesitation in opposing the motion made by the Honourable the Commerce Member Of course, as for my Honourable friend Mr. Neogy's motion, that is tantamount to the same. There is a Tamil proverb which mentions two methods of killing, either you employ a sword or you employ a wet cloth He wants to use the method of wet cloth for killing this Bill ; whereas I want to use the direct method of the sword. The millowners will then know what other form of aid they must get for the protection of the Mill Industry I ask why should the Government prolong the agony by circulating this Bill. I only want to read to the Assembly one telegram which I received from the handloom weavers of Sholapur assembled at a public meeting at that place. The telegram says :

"Public meeting, Sholapur handloom weavers held yesterday, opine propose additional duty yarn will jeopardise handloom industry. Therefore strongly urge impose additional duty cloth instead yarn to protect handloom industry. Further resolves if unfortunately additional duty be imposed yarn instead cloth, the amount thus collected be utilised to benefit the handloom industry by granting adequate bounty to handloom cloth, research work in improving handloom machinery and education propaganda ".

The telegram is issued under the signature of Rai Bahadur Mulai, chairman of the public meeting. Sir, there is certainly a strong feeling in the whole country that this Government is neglecting the condition of these

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handloom weavers. I make this appeal to this House ; I make this appeal to the Honourable Sir George Rainy that he may start his administration with sympathy more for the poor than for the rich. I therefore urge upon the millowners also not to accept this half-hearted—this what shall call it ? (*An Honourable Member* : "Crumb !"), this kind of protection that is now offered by the Government which is most unworthy on their part to accept. I therefore appeal to all the Members of this House to vote down this Bill.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, in rising to oppose the amendment proposed by Mr. Neogy, I want to make it quite clear that I do not in any way commit myself in favour of the Bill being brought on the Statute-book. My reasons for opposing the amendment of my Honourable friend Mr. Neogy are these, that the Bill under discussion is only an emergent and temporary measure to give some relief to the cotton yarn millowners in India against unfair competition by Japan, and the relief which it is proposed by this Bill to be given to the millowners is only to the extent of the loss which they sustain on account of that competition with Japan. It is not intended by this Bill to protect the cotton yarn millowners against internal competition. Now, Sir, it is advocated on behalf of these millowners that the yarn industry in India is in the throes of death. I do not say that I agree with them. I do not say whatever they say is right or wrong ; but what I say is that this is the proper time that we should discuss this Bill and thoroughly go into the proposition. If we find that the yarn mill industry in India is really in the throes of death, then of course it would be frustrating the object of the Bill itself if the amendment of my Honourable friend Mr. Neogy is accepted, because if the Bill is sent for circulation and takes 5 or 6 months before it comes before this House, then if in reality the condition of the yarn mills in India is such as the millowners say, then by that time the yarn mill industry would have been killed altogether and the object of the Bill will be lost and the millowners of Bombay, in the language of the immortal poet, will have occasion to say :

"*ki mare qatal ke bad usne jafa se toba,*
hae us zud pashiman ka pashiman huna"

which means, "He has taken a vow not to commit tyranny after having killed me, Ah me ! look at the early repentance of that early repentant." On the other hand, if we find that the case which has been put by the millowners is not a right case, is not a correct case and that in fact they are not in need of any relief, then it becomes still more important that this Bill should be taken into consideration just at present in the Assembly, because the millowners must know that they will not get any relief from us, they must know what their position will be and what steps they are going to take after they have been refused any relief by the Government. Taking all these facts into consideration, I think, Sir, that it will not be fair or just to any party to postpone the consideration of this Bill. Let us decide once for all whether we are prepared to give any relief to the yarn millowners or not ; and for these reasons, Sir, I oppose the motion proposed by my Honourable friend Mr. Neogy.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban): Sir, I rise to support the motion for circulation moved by my Honourable friend Mr. Neogy and to oppose the motion for consideration moved by the Honourable the Commerce Member. Sir, I am sorry to say that some friends in opposing this Bill have concentrated the fire of their criticism on the unfortunate millowners of Bombay. They will appreciate my position if I cannot follow them. (*Diwan Chaman Lall* : "Why are they unfortunate ?"). Because anybody who is compelled to beg for his very existence is certainly unfortunate. And after all, Sir, I cannot agree that the millowners of Bombay are such a bad lot at all. It must be a cold heart that cannot appreciate the tremendous service which the millowners of Bombay have done to the country in largely displacing the import of foreign cloth into this country by indigenous manufacture ; and while I am as devoted a champion of the handloom industry as anybody else, I am equally devoted to the mill industry and I cannot accept anything to its derogation, because I hold that it is the *pioneer efforts of the mill industry of Bombay that have displaced* Lancashire and Manchester cotton cloth to such a large extent in this country. Sir, if the figures are examined it will be found that in 1899-1900 the output of the Indian mill industry was only 9 per cent of the total requirement of cloth in India, and to-day the output of the mill industry has raised the percentage from 9 to 42. And I say, Sir, it is the enterprise, the industry and the business ability of the millowners of *India, and Bombay in particular, that are responsible for such a beneficent* result. What after all will be the result if the Bombay millowner goes down ? He will only be displaced by the Lancashire millowner and the Japanese millowner. And I ask those friends who have been so hard on the Bombay millowners to say whether they contemplate such contingency with any degree of satisfaction. The rise of the Indian mill industry is a romantic event as it has come in spite of the absence of any assistance from the State I repeat, Sir, that the State in this country has never helped the mill industry. (*Mr C. Duraiswamy Aiyangar* : "That is rather ingratitude !"). It would be ingratitude if the State had helped the industry ; but that is not the case It is quite the contrary. Look at the conduct of the State from 1893 onwards. On account of the exchange and currency troubles for which the Government themselves were responsible—the Tariff Board itself admits it—the whole industry, the production of yarn and the production of cloth were greatly handicapped ; and it was the great Swadeshi movement in Bengal in 1905 in contradistinction to the step-fatherly conduct of the Government, it was this self-relying movement on the part of the people which saved the mill industry in Bombay and India from the throes of the great calamity by which it was overtaken. The Tariff Board has investigated the question long and widely but it has failed to bring out the importance of the great Swadeshi movement which from 1905 saved the mill industry in Bombay from the consequences of the exchange and currency policy of Government. In 1896 everybody knows the 3½ per cent. countervailing duties were levied—an unheard of treatment of a national industry by the Government of the country My Honourable friend Mr. Duraiswamy Aiyangar was sorry that he voted for the removal of that duty. Well, I am pained to hear that ; if any protection resulted to the handloom industry by the 3½ per cent duties imposed on the Indian mill industry, that was a downright robbery and I am sure the handloom industry does

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not want to subsist on the robbery of another industry in this country. I say, Sir, it is not by such countervailing duty that the handloom industry or any other industry should expect to thrive, and the removal of the disgraceful impost came not a day too soon Sir, it is the step-fatherly treatment of Government, their exchange policy, their 3½ per cent. countervailing duties, their failure to give any constructive and active support to the industry, and latterly their raising of the rupee to 18*d*, and coupled with these the unfair competition of Japan—it is all these that have brought the mill industry to its present most deplorable condition. My friend Mr. Neogy and others have unnecessarily confined themselves to the Bombay mill industry. While the Bombay mill industry stands in need of greater protection, it is not the finding of the Tariff Board that the rest of the industry does not need protection. The Tariff Board have repeatedly said that it is a question of degree, and if my friends will look at the events since this inquiry was undertaken, they will find that the whole Indian mill industry has identified itself with the inquiry that was undertaken by the Tariff Board, and at every stage not merely the millowners of Bombay, but the millowners of Ahmedabad and Cawnpore and the rest have identified themselves with all the steps that had been taken for ventilating the grievances of the mill industry as a whole Sir, I grant that the Bombay mill industry stands in need of greater protec- [illegible] that the Bombay mill industry [illegible] at the cost of mills in other [illegible] of degree. Therefore, I say, Sir, it was unfortunate that attention was being focussed only on the Bombay mill industrialists, and that they were being castigated as a sort of untouchables and outcasts who were not to receive any consideration at all in this House I cannot accept that position; Sir, the figures which are published on pages 228 to 235 of the Tariff Board's Report show that, in spite of all the handicaps to which I have referred, the *mill industry in this country has made giant strides*—*thanks to the* enterprise and initiative of our capitalists, and thanks also to the hardy mill worker from the Konkan and Gujarat. We in Bombay are proud of the achievements at once of our industrialists and our mill workers. These capitalists and the mill workers between themselves have built up an industry of which any Government should have been proud, and if this industry had been actively assisted by a sympathetic Government, it would have been possible long ago to clothe every one of the 315 millions of people in this land with cloth manufactured in this country, whether by the handloom or by the mill industry. If we only compare the statistics of the giant strides which the Japanese mill industry has made during the last 15 or 20 years under the protecting wings of the State, the justice of the criticism which I am making will be obvious even to the Government. Compare the progress which the Japanese mill industry has made in 20 years with the progress made by us in this country after nearly 44 years, and we will see that if only the State had rendered active assistance to the mill industry, without looking to extraneous interests, we would have been able to manufacture 100 per cent of our requirements From 1883 to 1884, when there were only 82 mills in India, we have now 337 mills in the whole of India. The spindles which were only 20 lakhs in 1883 are now 85 lakhs. The looms which were only 16,000 in 1883 are to-day 1,54,000, and the number of workers which the mill industry

employed in 1883 was 60,000 as against nearly 4 lakhs to-day. Sir, an industry which is responsible for 42 per cent. of the clothing of the people of this country, an industry which employs nearly 4 lakhs of people, an industry which purchases over 30 crores worth of cotton from the cotton growers of this country, and an industry which keeps at bay foreign importers—is that an industry about which any one can afford to talk in a light-hearted manner ? Leave the millowners and their sins of omission and commission alone. It is the industry that is seeking protection, and if it gets it in a real genuine form, let us not grudge it because the millowners benefit thereby. We never wanted to help The Tatas as such, but the steel industry ; the same is the case here.

Sir, this is the position that I hold as regards the mill industry in this country, and yet I am compelled to oppose the consideration of this Bill, because the protection offered is not genuine.

Sir Hari Singh Gour : From the sublime to the ridiculous ?

Mr. Jamnadas M. Mehta : My Honourable friend is nothing but ridiculous everywhere.

And, Sir, I oppose the consideration of this Bill, for two reasons. One reason is that the Government have treated the Report of the Tariff Board with contempt. It would be impossible to imagine anything so outrageous as the treatment which this Government have given to the Report of the Tariff Board. They have spent a lakh and fifty thousand of the tax-payer's money on the inquiry by the Tariff Board, and when that body consisting of independent people, after careful investigation came to definite deliberate conclusions, the Government of India have thrown, them to the winds, and their action to-day is in direct contravention of the Tariff Board's recommendations How can they expect any reasonable man, however well disposed he may be to his own industry, how can they expect any reasonable man to fall into line with their proposals which are, as I say, in direct contravention of the recommendations of the Tariff Board ?

Sir, I had supported the reference of this Bill to the Select Committee on the distinct understanding that we would be allowed in the Select Committee to open the whole question of the protection to the textile industry , otherwise I would not have supported it, and although there were rumblings and thunders of warnings that it might not be possible to open the question again in the Select Committee because it would increase the scope of the Bill, I hoped against hope. I had a precedent in doing so. We had the Report of the Currency Commission on which the Government framed the Ratio Bill, and the House was allowed not merely to discuss the question of the ratio, but the whole subject matter covered by the Report of the Currency Commission. We were allowed to discuss the question of the ratio, the gold mohur, the gold standard, the gold currency and everything that was relevant under the Report of the Currency Commission. And therefore, with this precedent in mind, and having regard to the fact that this inquiry was undertaken in the interests of the textile industry ; I was hopeful that Government would allow us to discuss the entire question of the protection to the mill industry, although the Bill itself was a restricted one. But unhappily, we were not allowed to raise the question of protection to the textile industry as a whole, and, as I hold, the Tariff

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Board's Report is the minimum protection that the mill industry should get, and as I find that the proposals of Government cannot give any real protection to the mill industry, I am compelled to oppose the consideration of this measure.

Sir, it is a very unfortunate and embarrassing position for the mill industrialists of Bombay, as it is always for those who come to the Government and ask for protection. Beggars cannot be choosers always, and although these mill industrialists have time and again shouted the loudest that the proposals of Government do not carry them anywhere, I am pained to see to-day that they are willing to accept this dole. The real thing is, Sir, they do not like to break with this Government. They dare not say : " Well, if you give us protection, give us a genuine protection or none at all ". That is not the stuff of which the capitalists are made. They cannot stand up for their entire right and refuse to have any crust or crumb thrown at them when they really deserve wholemeal bread, very nutritive and wholesome, and that is why we are reduced to this very unseemly position of the millowners going behind their repeatedly declared word that the recommendation of the Tariff Board was the minimum they could accept. I will only quote one or two instances of their views until this Bill was introduced. When Government addressed the millowners on the 15th August they reiterated what they had declared over and over again, namely, that they could not impose import duties on piecegoods from foreign countries ; the millowners then met in conclave at Hornby Road in Bombay and they thought long and they thought mighty, and from what has seen the light of day, it is clear that they remained unconvinced ; here is a telegram from the Free Press which says :

" Opinion in well-informed circles is that the industry should take up the stand that the protection on yarn without protection on cloth is a doubtful benefit carrying with it increased handicap to the handloom industry which is mainstay of the Indian spinning industry and an indirect advantage to foreign imports in finer counts and....

In the circumstances it is right that the industry should ask that it should be given protection on cloth as well as on yarn and that without the one it should not have the other "

This was the opinion in well-informed circles in Bombay when the millowners were considering the reply of the Government of India dated the 15th August. But that is not all. They have lately addressed a letter to the Government of India in reply to the Government's letter of the 15th August and even there—and this letter was written at the end of August—even there, what do they say ? In paragraph 18 which is the last paragraph of their reply and which is signed by Mr. J. P. Wadia, the Assistant Secretary, because I think the Secretary was here, they say :

" In the end I am to express my committee's keen disappointment that even the revised decision of the Government of India should leave the industry *practically* in the same position as it was before the Tariff Board began their investigation "

What is the meaning of this ? That whether you give protection on yarn or whether you do not, we remain in the same position *practically*—unless imports of piecegoods were taxed it will be six of one and half a dozen of the other That is practically the latest pronouncement of the millowners of Bombay, their considered judgment that the protection

on yarn alone would render no assistance to the industry. And yet, as I said, before, Sir, the millowners are compelled to accept this measure because they cannot do otherwise. But the representatives of the people are not in that position. I am, Sir, a protectionist by conviction, sentiment and temperament. In these days all over the world the State regards it as its duty to protect the industries of the country and the Fiscal Commission also has recommended protection as a measure for all national industries whenever the occasion arises. I am willing, actively willing to support any industry which stands in need of protection, but I am not here simply to pass any measure, under the guise of protection, if it injures another, industry and when the first industry itself does not really get any benefit from it. It will be said that the contention that the handloom industry is affected is wrong Now, Sir, the findings of the Tariff Board, the declarations of the Government of India and the statistics of the progress of the handloom industry and the mill industry will clearly prove that the handloom industry stands equally in need of the fostering care of the State. I just now showed, Sir, that while in 1899-1900 the output of the mill industry was 9 per cent. of our total requirement in 1925-26 it is 42 per cent. What is the progress that the handloom industry has made during the same time ? The handloom industry, Sir, in 1899 was producing 27 per cent of the requirements of the people of this country. To-day, according to the statement of the Tariff Board, it is producing 26 per cent So that in the course of nearly a generation, the handloom industry has made no progress On the contrary, the handloom industry has deteriorated. Why ? When the mill industry has made such tremendous strides, from 9 per cent. to 42 per cent., why is it that the handloom industry has, far from progressing, remained in a stagnant position and made no advance ? Because the handloom weaver is not a man of resource (*Mr Chaman Lall* : "Like the millowners ".) I am sorry you are so unnecessarily inimical to the millowners. I say, Sir, the handloom weaver is a man without resource, he is carrying on from hand to mouth. And on the top, of that in March last only by passing that hateful Ratio Bill, the House placed him (Laughter on Official Benches)—you ought to weep instead of laughing that these 60 lakhs of people have been by your vote handicapped by 12½ per cent against foreign importers How can they subsist when a measure like this passed only last March cuts them down by 12½ per cent. in competition with foreign importers ? And I say, Sir, the repeated handicap which the State has placed on him coupled with his own poverty has been responsible for the failure of the handloom weaver to work up to a higher percentage of output than he has been able to do For these reasons, Sir, I say that the House ought to think ten times before attempting to place a further strain on that very honest man Sir, the Government themselves in their Resolution of the 17th June 1927, on the Tariff Board's Report said :

"But an additional duty on yarn only would affect prejudicially the handloom industry and for this reason should not be imposed "

This is the categorical statement of Government supporting the finding of the Tariff Board, and the evidence of witnesses before the Tariff Board ought to have warned Government against taking any measure which will, in the slightest degree even, have the remote probability of having

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felt gradually but unmistakably. Sentiments in the two great countries, India and China have been greatly disturbed In India it had been generally anticipated that the Government would follow the recommendation of the Indian Joint Committee which had urged that the redundant silver in the Reserve should be handled with more regard to the silver market than the bare recommendations of the Currency Commission appeared to promise These hopes are rudely shattered by the announcement of the sale and hence rapid deterioration in speculative centres The transactions during the week have been on a large scale India and China not only are selling previous purchases but building up a bear position of considerable magnitude.''

I need not quote further It is now established that as a result of the sale of silver, the silver market in the world has been greatly affected. There has been depreciation in the Chinese exchange and for their latest misfortune the millowners of Bombay should hold the Leader of the House directly responsible But that cannot be allowed to prejudice the handloom weaving industry. Because one wrong is done by the Government of India, we cannot associate ourselves with doing another wrong to the handloom industry in this country.

Lastly, Sir, I must warn the Government of India that, whatever may be the individual merits and demerits of millowners, the people of this country will reagrd and do regard the mill industry with great affection, and they want it to rise rapidly to the point of being able to supply all the requirements of cloth in this country They want that Government should give us a genuine measure of protection, not the weak, halting, half-hearted, meagre, niggardly Bill verging on the point of meanness in the question of its protection to the national industry of this country. I want to read in this connection only one quotation, from the statement of an Honourable Minister of the Australian Commonwealth. What does that gentleman say ? This is from the *Manchester Guardian* of July, 1926 The Honourable Mr H. E. Pratten, Minister for Trade and Customs for the Commonwealth of Australia says ·

" ..... owing to our isolated position and somewhat elementary development it is necessary for us to adopt a policy of protection. . I have told your manufacturers (namely, British manufacturers) that no Government and no Parliament would allow an efficient industry established there to be smashed by foreign competition, and that the security for British capital invested in industry in the Commonwealth is absolute, because of the strong national sentiment of the whole people.''

And to vary the language, we can say in the terms of the report of the Tariff Board that no Government and no Assembly ought to allow this national industry to be crippled by foreign competition I shall finish by reading that quotation

" A great industry is in a serious condition, and our proposals have been inspired by the belief that, in spite of a comparatively long spell of adversity, it still retains sufficient vitality and capacity for self-help which only require to be stimulated into action and this stimulus our modest scheme of state help is calculated to provide ''

That modest proposal of State help—you have driven a coach and four through that proposal and reduced it to nullity, and I am compelled to oppose this, because this measure is not a genuine measure of protection to the textile industry but only a pretended measure and the reluctance to tax imports is clearly traceable to an unwillingness in any way to tax the imports from Lancashire and Manchester. The millowenrs of Bombay committed the greatest blunder of their life in not having led sufficient evidence for protection against Lancashire as well, and the

results of that blunder are being visited upon them by an ever clever and skilful Government who have turned the tables on them and are merely pretending to give a measure of protection which is no protection at all. The two Bills that are proposed to-day, one this and the other that follows, will leave the British manufacturers, whether of cotton or of machinery alone, and will save them lakhs and lakhs of rupees, while imposing further handicaps on the industry here and also on the exchequer. For these reasons, unless a genuine measure of protection is produced, I am unable to associate myself with the consideration of this Bill Sir, I have done. (Applause.)

Mr. M. S. Sesha Ayyangar (Madura and Ramnad *cum* Tinnevelly : Non-Muhammadan Rural) : I feel quite thankful to the Honourable the Commerce Member for what I should call a fair presentation of his case. He practically conceded that whatever is proposed under the Bill will certainly and adversely affect the handloom industry ; but he added that so far as counts above 40*s* are concerned the degree to which it will be affected would be inappreciable. But, unfortunately for the House, no statistics are offered by the Honourable the Commerce Member. Similarly, as regards counts below 30*s*. he also says the same thing, that it will be inappreciably affected. Here, again, there are no statistics given Probably, the Honourable the Commerce Member thought that the House, being on the duty on yarn, might as well indulge in the pastime of spinning for itself. We are absolutely groping in the dark as to what probably the statistics will be as regards the inappreciable extent to which the Honourable the Commerce Member says counts above 40*s*. and counts below 30*s*. will be affected. But he says, that, so far as the medium counts are concerned, certainly the handloom industry will be affected seriously. Lastly, he wants the support of this House for the Bill on the ground that, inasmuch as there is a national industry that needs protection, the House might well consider the propriety of examining that attitude. My Honourable friend, Mr Duraiswamy Aiyangar, a Swarajist as he is, naturally grew righteously indignant over this application of the word "national" to the mill industries. But even assuming that the Honourable the Commerce Member meant the word "national" in the sense in which I think he took it—even there I submit to the House that the handloom industry is not less national, for what do we find in Appendix IV ? We find, so far as the total consumption of piece-goods in this country is concerned, it is 4,479 million yards of cloth, of which the imports give us 1,529 million yards, the mills about 1,700 million yards, the handlooms about 1,160 million yards. So that, if the handloom industry is able to give us about 26 per cent. of the total consumption of piecegoods in India, the mills supply us about 40 per cent. or a little less than 40 per cent., and from the net imports we have about 35 per cent. Even there, considering these figures, I submit to the House the handloom industry is not less national. In this connection, I would beg leave to correct my Honourable friend, Mr Duraiswamy Aiyangar, when he gave us the figures of handlooms in this country which he culled from the Census Report—I would beg leave to correct him and say that the last Census Report excludes the handlooms in the United Provinces, the Central Provinces, and many Indian States. So that certainly a larger number of people would be affected by the introduction of this Bill. In this connection, I would also beg to submit to the House that so far as the attitude of the mill-

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owners in the Bombay Presidency is concerned, it has never been friendly, for what do I see? I see a passage in the Famine Commission's Report of 1901, page 75, paragraph 226, to the following effect:

"The Famine Commission of 1898 agreed with the Commission of 1880 that it was desirable, where convenient, to relieve artisans of whom weavers are the most numerous, through their own trades, one of their reasons being that it is important to maintain all crafts by which people are supported independently of agriculture. They were also of opinion that a carefully managed, businesslike scheme is not open to any of the objections usually urged against this class of relief; and that it would probably not result in a greater loss to Government than that caused by employing the weavers on the ordinary relief works. This opinion is more than confirmed by experience, and is now, we believe, accepted in every province except Bombay."

I dare say that the Bombay Government is influenced mostly by the mill-owners of that Presidency. Again on the next page we find the following:

"It is sometimes objected that it is useless to prop up handloom or cottage weaving in the face of mill competition. But in fact the two industries supply different wants. The coarse and durable cloths of the handlooms are still preferred in many parts of India by field workers and labourers, while the more delicate and peculiar products of those looms still hold the market."

But, since then, there has been somewhat of a change of attitude, as we see from the small pamphlet issued, probably for the use of Members of this House, by the Bombay Millowners' Association, under the heading, "Indian Cotton Textile Industry. Need for Protection". I refer to page 61 therein. The Bombay millowners discovered that the Government were not anxious to accept the majority recommendations of the Tariff Report and that they were determined to turn it down. They were alive to the situation and expressed their views in these words:

"We do not wish to make light of the fact that the handloom industry should above all be protected. But we maintain that the best method of protecting both the mill industry and the handloom industry is by eliminating the unfair Japanese competition which cuts at the very root of the home industry. Japan is deliberately selling her yarn at low prices with a view to oust the home product so that once she has established herself in the market, she could raise the prices to the level she chooses. We have seen that the Tariff Board itself was fully alive to this well known economic fact."

The reference made here is to this passage in the Tariff Board's Report on page 170:

"From the point of view of the consumer therefore, the imposition of differential duty against unfair competition merely hastens the rise in prices which would in any event be brought about by the play of normal economic forces."

I submit, therefore, that the millowners have conceded the fact that nothing should be done in this House by the Government to impair the handloom industry. Then, what is there left outstanding which would gain the support for this Bill except the total rejection of the Bill as it stands? We take it that the millowners themselves are also alive to the situation and they are at one with us who want to protect the handloom industry when we say that the Bill, while it does not give adequate protection to the millowners, actually affects adversely the handloom industry to a very large extent. There is also this fact that the majority of the Tariff Board favoured this view that no duty on yarn ought to be imposed;

but if at all, a bounty can be suggested ; and lastly I would submit that my Honourable friend Mr. Duraiswamy Aiyangar has said that there are three classes of mills in this country. Let us confine our attention to those that take to spinning alone. [illegible] ing also ; that would necessitate the [illegible] yarn ; and if you raise by this Bi[illegible] mean that the effect would be adverse upon them ; and there would also be internal competition which would necessarily mean deterioration first, probably decay next and then death ultimately. So for these reasons I oppose the motion made by the Honourable the Commerce Member.

Pandit Nilakantha Das (Orissa Division : Non-Muhammadan) : I am sorry I have not yet heard anything in support of the motion except what Sir George Rainy spoke in moving the consideration. He did it in a halting manner, as if he was not sure himself of the grounds he was treading on.

The position, however, comes to this, that the mill industry in this measure does not get a good chance and the handloom industry is going to be ruined I am not an expert economist but I was at any rate influenced to believe that in some way some protection is necessary for the mills, but then I never thought that any protection should be contemplated with regard to something which may be called half raw. I consider yarn as a half raw material. The imported yarn is used by mills to a certain extent but the major portion of the yarn in question here is used by the handloom weavers practically as raw material, and as we know handloom weavers are gradually dying, it is simply cruel and unjust to deprive them of the means of their living.

It has been said that the handloom industry is not a national industry. The statement is not quite without some foundation. There is a view, on account of this crushing Western industrialism, which is growing throughout the world among a class of people, that only the mills should remain and that cottage industries like handlooms should be destroyed. We all know that the agricultural nations with teaming rural populations strenuously strive against it, but I do not know whether even Members for Labour, like my friend Mr. Joshi, have seriously considered the very dislocation of society which await such nations if Western industrialisation is superimposed with unreasonable haste and without a proper study of existing conditions. What will follow if in India the handloom is destroyed ? In this connection Japan has been quoted by my friend Mr. Mehta. He said that the mill industry was protected in Japan, [illegible] n in 15 years (I am grateful to my fri[illegible] Japan has been able now practicall[illegible] et in yarn from 31 to 40 counts. My friend Mr. Duraiswamy Aiyangar also says that if Japan wants, she can reduce her prices, and dump the Indian market with yarn only for the sake of retaliation, as it were Yes, I think it is possible. But what has the Government done in Japan ? They don't leave the problem of unemployment in villages unsolved, or unconsidered like the Indian Government. They have carefully organised mill industries in village centres, so that the evils of hasty industrialisation do not affect the nation. Ours is a vast agricultural country. I do not know when the day will come when our Government will likewise

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organise small industries in village centres so that the grave question of our national unemployment may be on the way to be solved

We have seen that the handloom industry has been already damaged by the abolition of the cotton excise duty. Mr. Mehta calls it a legitimate abolition. I grant it to him But I do not know, what this measure, this illegitimate protection of yarn according to Mr Mehta, will mean to our poor handloom weavers We all know that they work day and night, morning and evening, day after day, without rest, leisure, or recreation. We are providing in this Bill against the Japanese double shift labour. But the poor handloom weaver in our villages works actually with not only double, or treble, but with quadruple shifts, or even more He works night and day, man, wife and children, and as my friend Mr. Duraiswamy has queerly put it, even babies, all engaged They all work to get how much ? Less than 3 annas per day

I come from a part of the country where I have daily experience of the ways of these weavers They are getting rapidly out of employ ment and are being turned into beggars in numbers every day. In my boyhood days I found them a happy and prosperous artisan class, but if you come to my part of the country you will find that 60 to 80 per cent of the beggars are of these weavers They are beggars not by choice but by compulsion and for want of employment They are also going in numbers to foreign lands in search of employment But alas ! no one knows what fate awaits them there ! The best that they can have, may not even be better than the fate of Indians in South and East Africa They have no place here, nor there What will they do ?

Now for argument's sake, I will admit that you may support the mill industry by any means you like But it is the duty of the Government to look at this question of unemployment which is daily increasing at an alarming rate If this measure is introduced, what will be the effect The Government say that it will affect the handloom industry only to the extent of 12 lakhs of rupees But my Honourable friend Mr Duraiswamy Iyengar has proved that it will never be 12 lakhs ; it will be somewhere near 40 lakhs I will not be surprised, if it is even more The organised millowners will put higher prices on even lower counts They will not rest content with raising it to 12 annas 3 pies, as my Honourable friend has put it They may even raise it to 13 annas. There is nothing to prevent them from doing so. If they try in an organised manner, they may do that. But who will pay this additional price ? It has been said that it will affect the pockets of the consumer. I know, as a matter of fact, that it will affect only the handloom weavers. I have seen with my own eyes, the whole family labour 2 or 3 days and weave 2 or 3 cloths. Then comes the question of finding a purchaser. The father or any male member of the family knocks from door to door in the neighbouring villages for a customer. Do you ever think, Sir, that under such circumstances this additional duty will at all be transferred to the consumer, for the supposed reason that he wants quality ?! I clearly find that a greater portion if not the whole of it will be paid by the handloom weaver himself This burden can never be transferred to anybody else Such being the case, is it not better and more just to tax the handloom directly to pay the mills ? One pound of yarn gives 4 yards of cloth—the product of one day's labour

for a family. At the rate of one anna it comes to a yearly tax of Rs. 20 per loom. Can you, Sir, conceive it ?

Then, what happens ? Our handlooms will inevitably lie idle in thousands and lakhs. Terrific unemployment will be the order of the day. If the Government of India in the Commerce Department are going to create it, then I do not know what the Industry Department will do to face it. There have been on other occasions several questions about unemployment and we were complacently assured there was none. But this kind of evasive dose will no longer have its desired effect, when the disease will grow intensely acute.

I submit, Sir, further that this question is not only one concerning the Commerce or Industry Department of the Government of India, but it also concerns the Provincial Governments. The opinions of all the Local Governments are here in those volumes. They were buried in the Library, and nobody saw them, as is put by my friend Mr. Duraiswamy Iyengar. My friend wants the credit of exhuming them from that burial. Let him have the credit. I don't grudge it. He has just quoted, however, opinions from Madras to Assam. Almost all the Local Governments, it is found, are against this protection. In fact, every Provincial Government is against this measure because it affects the cause of handloom weavers, and especially my province of Bihar and Orissa is the most affected in this respect. The Government as well as the Director of Industries of that Province have expressed very strong views against this duty on yarn According to some calculations, 28 per cent. of the total cloth consumed in India is produced and supplied by the handloom. Others calculate it to be 26 per cent. Thus we have 26 to 28 per cent. of our cloth produced by handloom weavers in this country. But so far as my province of Bihar and Orissa is concerned, it is 40 per cent. I may say that our province has no mills at all If this measure is passed, we shall be faced with the problem of unemployment all the more. The province of Bihar and Orissa, besides, has got to manage many flood stricken and famine stricken areas As Honourable Members are aware flood and famine are a regular feature of my province. Consequently my province of Bihar and Orissa is very strongly against this measure.

I am glad that Provincial Governments are in this connection so well alive to their own interests, but I do not know what the Commerce Department is doing with the opinions of all these provinces We, the representatives of Bihar and Orissa as well as those others whose provinces are likewise more directly affected, cannot think of voting for this motion I am here to oppose this motion and support the motion of my Honourable friend Mr. Neogy, which amounts practically to the same thing in a different form of language In this connection, I should however like to know how the Government are going to guide the votes of official Members who represent the various Local Governments, and particularly of the member who represent the Government of Bihar and Orissa. Those officials who come from Bihar and Orissa represent the Government of that province and they are presumably bound by the opinions forwarded by that Government and they must give their votes in accordance with the wishes of the Bihar and Orissa Government And so also are the representatives of other Local Governments to be guided by their proper mandates, so to say. But we all know, as a matter of fact, how the Government Whips canvass votes. They manage to whip

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everybody mercilessly and without consideration. We also whip ourselves. (Laughter.) But our whip is not so vigorous. We often keep questions open. (Hear, hear.) I should like to know whether the Honourable the Leader of the Government Party in this House is going to make this question an open one, at least so far as the representatives of the Provincial Governments are concerned. (Hear, hear.) There is my Honourable friend Rai Bahadur Shyam Narayan Singh who represents my province. I should like to know whether the Government is going to allow him to vote in accordance with the wishes of the province he represents or in accordance with the wishes of the Government of India. (Laughter and Applause) It will be very unfair if the representatives of Provincial Governments are in this particular business to be led by the nose into the lobby. I know my Honourable friend Shyam Narayan Singh is to-day busy as usual in the corridors and lobbies canvassing and collecting votes for the Government. (Laughter.) But I don't understand him. This kind of duty on his part, specially in this particular matter, is unthinkable. I may say, it is simply exasperating. I cannot conceive how the representative of the Government of my province should collect votes in support of this measure, not to speak of his own voting for it himself. In this particular case, there is no reason why my Honourable friend Mr. Shyam Narayan Singh should go contrary to the opinion expressed by the Government of the province which sent him here. (Hear, hear and laughter.) In justice and fairness the Leader of the Government party in this House should allow the representatives of Provincial Governments to vote as they like. In spite of this honest exasperation which I cannot but feel on this occasion, I appeal to the Leader of the Government party to be just to Local Governments, and permit their representatives to exercise their free and unfettered vote according to their own light and sense of duty. There must be complete freedom of voting in this matter.

I pathetically picture to myself specially the condition of handloom weavers in my province if this measure passes out of this House. My Honourable friend Sir George Rainy having served in my province of Bihar and Orissa might have very well known the conditions of my province. As the Commerce Member of the Government of India, I am sorry, to-day he is introducing this measure. But when he was in the Bihar Government, I am sure, he had opportunities to come into daily contact with the peasants and artisans of my province, and let him for a moment throw off the garb of a Commerce Member, and honestly as a man say how this measure will affect the handloom weavers there. Last of all I appeal to the House on behalf of the voiceless handloom weavers who have practically no real representatives, so to say, in this House to safeguard their interests, that they may not be led away to damage the defenceless toiling millions for an imaginary benefit of a few who know best how to protect themselves. This House entirely consists of rich men, millowners, lawyers, zemindars and several others many of whom have perhaps no time or occasion to picture to themselves how the poor toil in fields and villages, in mud and mire, even with one scanty meal a day. The Government who sometimes pose themselves in International Conferences as their trustees against the exploitation of the rich and the powerful are seldom, if ever, found honest in their pro-

fessions of that kind. The poor and the voiceless, therefore, go practically unrepresented. And it is in their name and for their sake that I again appeal to the House to rise up to their real duty, and help those that are in need of help.

With these words, I oppose the motion of the Honourable the Commerce Member and support the motion of my Honourable friend Mr. Neogy.

STATEMENT OF BUSINESS.

The Honourable Sir Basil Blackett (Leader of the House) : With your permission, Sir, I desire to make a statement regarding the Government business which we propose to place before the House to-morrow and Thursday. In view of the fact that it is not possible, in the present circumstances, to resume consideration of the Reserve Bank Bill this week, the Government consider it important to dispose of some at any rate of the business which would normally have come up during next week. We propose, therefore, to-morrow, Wednesday, the 7th, in the first place, to complete the disposal of the Indian Tariff (Amendment) Bills, the Bamboo Paper Industry (Protection) Bill, the Indian Securities (Amendment) Bill and the Volunteer Police Bill, or any of those Bills which have not been disposed of to-day, and the further consideration of the motion relating to accommodation in New Delhi. Thereafter, we propose to make the following motions :

(1) that the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Amendment of sections 2, 23, 28, etc.), be circulated for the purpose of eliciting opinions thereon ;

(2) that the Bills to amend the Transfer of Property Act, 1882, and to supplement the Transfer of Property (Amendment) Act, which have already been published under rule 18 of the Indian Legislative Rules, be introduced ;

(3) a motion will be made to take into consideration, and, if that motion is passed, to pass the Forest Consolidation Bill, as reported by the Select Committee ;

(4) a Resolution will be moved for the appointment of a Committee to examine and report on the system of censorship of cinematograph films.

Thereafter, Sir, the Government propose to give time for the consideration of the Report of the Select Committee on the amendments to the Standing Orders which was presented to the Assembly during the Delhi Session

On Thursday, the 8th, we propose to dispose of any Government business remaining over from the preceding day and thereafter to undertake the following business :

(1) a motion to take into consideration and, if that is passed, to pass the Indian Lighthouse Bill, as passed by the Council of State ;

(2) motions to take into consideration and pass the Bill further to amend the Indian Succession Act, 1925, and the Married Women's Property Act, 1874, as passed by the Council of State ;

(3) similar motions as regards the Presidency-towns Insolvency Act, 1909, as passed by the Council of State ;

(4) motions to take into consideration and, if those motions are passed, to pass the Bills further to amend the Cantonments Act, 1924, and to amend the Indian Emigration Act, 1922.

Thereafter, motions will be made to move two Resolutions regarding :

(*a*) the draft Conventions concerning seamen's articles of agreement and the repatriation of seamen, and

(*b*) recommendations of the General Conference of the International Labour Organisation of the League of Nations concerning the repatriation of masters and apprentices and general principles for the inspection of the conditions of work of seamen.

Thereafter, we propose to give time for further consideration of the Report of the Select Committee on the amendments to Standing Orders.

Mr. A. Rangaswami Iyengar : May I know, Sir, if the Government will put down the Select Committee's Report on Standing Orders on Thursday if it is not reached on Wednesday ?

The Honourable Sir Basil Blackett : I am afraid, not. We must take precautions to see that the Government business which is not otherwise taken next week shall not be shut out altogether.

Mr. President : I thought the Honourable Member would ask the Leader of the House whether Friday would be available !

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 7th September, 1927.

LEGISLATIVE ASSEMBLY.

Wednesday, 7th September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBER SWORN.

Mr. D G. Mitchell, M.L.A. (Legislative Department: Nominated Official).

QUESTIONS AND ANSWERS.

Medical Education in Ajmer-Merwara.

892. *Rai Sahib Harbilas Sarda: (a) Will Government state, if there is a Medical College in Ajmer-Merwara ?

(b) If not, what arrangements have Government made for the medical education of students from Ajmer-Merwara desirous of getting it ?

(c) Is it a fact that the Lucknow Medical College maintained by the United Provinces revenues refuses to admit students from Ajmer-Merwara on the same terms as those from the United Provinces, but insists on the Ajmer-Merwara students paying tuition fees, which the United Provinces students are not required to pay ?

(d) If so, what is the amount of those fees ?

Mr. G. S. Bajpai. (a) No.

(b) Students from Ajmer-Merwara who require medical education have to obtain admission to medical schools and colleges elsewhere.

(c) and (d). The information asked for is being collected and will be supplied to the Honourable Member on receipt.

Cutting of the Railway Line about Three Miles from Balasore Railway Station.

893. *Mr. B. C. Roy: (a) Are Government aware that some people in order to save their houses from further inundation were cutting the railway line about three miles from the Balasore railway station ?

(b) Is it a fact that railway lines without sufficient outlet for the discharge of water are one of the causes of flood and accumulation of water ? If so, what action do the Government propose to take in the matter ?

Mr. A. A. L. Parsons The information asked for is being collected and will be furnished to the Honourable Member in due course.

Mr. B. C. Roy : Sir, I beg to withdraw the following questions.

Mr. President . All the remaining questions standing in the Honourable Member's name ?

Mr. B. C Roy · Yes, Sir, Nos 894-898.

†899*—903*.

CONSTRUCTION OF THE CALCUTTA CHORD RAILWAY (BALLY BRIDGE CONSTRUCTION).

904. **Mr. K. C. Neogy** : (a) What arrangements have been made in the matter of construction of the Calcutta Chord Railway (Bally Bridge construction) ?

(b) What is the total estimated cost of the works, and how much thereof is to be entrusted to private contractors ?

(c) Have tenders been called for from private contracts in the matter , if so, with what result ?

Mr. A A L Parsons (a) and (b). The work has been put in hand and is making very good progress The latest figure of the cost of the bridge is about Rs. 2¼ crores. A large proportion of the work will be done by contract but I am unable to say at this stage exactly how much.

(c) Tenders for the caissons were called for and two suitable tenders were accepted. The design of the steel work for the girders is not yet completed, as tenders have not yet been invited

RETRENCHMENT BY THE BENGAL-NAGPUR RAILWAY OF WORKMEN EMPLOYED IN THE WORKSHOPS AT KHARAGPUR

905. ***Mr. N. M. Joshi** : Will Government be pleased to state :

(a) Whether it is a fact that the Railway Board has instructed the Bengal Nagpur Railway authorities to make retrenchment in the number of workers in the workshops at Kharagpur ?

(b) If so, will they be pleased to state the exact terms of their instructions ?

(c) Will Government be pleased to explain the reason for such instructions ?

Mr. A. A. L. Parsons · (a) No The position is that the Bengal Nagpur Railway Administration, though their workshop methods at Kharagpur have not yet been completely reorganised, have carried out certain improvements which, coupled with a diminution in the amount of repair work to be done, enable them to effect a reduction of about 2,000 men in the labour force of about 12,000 men in the workshops there.

(b) and (c). Do not arise..

Mr N M. Joshi : Am I to understand, Sir, that the Railway Board had no correspondence with the Bengal Nagpur Railway on this subject ?

Mr. A. A. L. Parsons : We had no correspondence, Sir. The Agent of the Bengal Nagpur Railway came to Simla and saw the Railway Board

† Not put at the meeting, but the questions and answers thereto will be found at pages 4051—58 of these proceedings.

sometime towards the end of July, and informed us that this reduction of 2,000 men was necessary and discussed with us the manner in which it could be carried out.

Mr. N. M. Joshi: Is the Honourable Member aware that the Superintendent of the Workshop of the Bengal Nagpur Railway told the Union that this was being done under the orders of the Railway Board ?

Mr. A. A. L. Parsons : I have not received notice of any such statement but the facts are exactly as I have told the House.

Mr. N. M. Joshi : May I ask the Honourable Member to inform the House what improvements the Honourable Member refers to which enabled the Railway Board to do with a smaller number of people ?

Mr. A. A. L. Parsons : I have not details of the improvements, Sir, but I understand that Mr. Cole, the Chief Mechanical Engineer, or the officers under him have designed new methods of work in the shops I shall have to ask for notice if the Honourable Member wants to know exactly what improvements have been made in the workshops.

Mr. N. M Joshi : May I ask, Sir, why the renewals and repairs are diminished this year ?

Mr. A. A. L. Parsons Because, as I think the House is aware, on most railways repairs were very behindhand throughout the period after the War and we have now on the Bengal Nagpur Railway, as on other Railways, caught up those arrears to a very large extent.

Diwan Chaman Lall : May I ask the Honourable Member if any of the permanent workmen who were involved in the last strike have been brought under the axe ?

Mr. A. A. L. Parsons: Judging [illegible] I have from the Agent of the Ben[illegible] far, up to yesterday or the day bef[illegible] these 2,000 workers because, as the Honourable Member will learn from a reply that I shall give to a subsequent question, at present we are at the stage of voluntary resignations. I should like to take this opportunity of saying that there is no intention whatsoever in the mind of the Bengal Nagpur Railway Administration, as the House I am sure will know that there is not in the minds of the Railway Board, of any victimisation.

RETRENCHMENT BY THE BENGAL NAGPUR RAILWAY OF WORKMEN EMPLOYED IN THE WORKSHOPS AT KHARAGPUR.

906. ***Mr. N. M. Joshi** : Is it a fact,

(a) that the Bengal Nagpur Railway authorities have issued a communiqué in which they have stated their intention to discharge 2,000 men ?

(b) that 200 men are already discharged ?

(c) that among the men discharged there are some men who have worked regularly for more than 15 years ?

Mr. A. A. L. Parsons : (a) The Bengal Nagpur Railway authorities issued a notice intimating that the number of men employed in the Kharagpur workshops would be reduced. I lay a copy of the notice

on the table. It invited voluntary resignations from the men and offered certain privileges to those who resigned, but it also pointed out that in the event of an insufficient number of men resigning voluntarily it would be necessary to resort to compulsory retirements I may mention that though, in the notice, the 27th August, 1927, was given as the date before which voluntary resignations must be received, this date was subsequently extended to the 7th of September, 1927 I should also mention that the Agent of the Railway was in close touch throughout with the Labour Union and kept them fully informed of the methods whereby the reduction in staff would be effected

I should perhaps add to that that on, I think, the 21st of August, the Agent met the Labour Union and discussed fully with them certain points which they wished to put forward with regard to the way in which these resignations or these retirements should be effected and that on a very considerable number of these points he met their wishes. He has throughout kept very closely in touch with the authorities of the Labour Union in this matter.

(*b*) and (*c*) 178 men were, I understand, discharged some time before the issue of this notice because there was not work for them. Discharges were then suspended, since in view of the considerable reduction, which it was found necessary to effect, the Agent considered that before proceeding further he should let the Labour Union know what action was proposed Government are not aware of the exact length of service of these 178 men, but it is quite possible that some of them had more than 15 years' service

DRAFT NOTICE.

With effect from 30th September, 1927, the number of men employed in Kharagpur workshops will be reduced.

2 Special benefits will be given to men who voluntarily resign *before 27th August, 1927* Such men will be granted all leave, gratuity and Provident Fund bonus that may be due to them under the rules and in addition they will receive a bonus of one month's pay. They will be granted service certificates stating particulars of service, and reason for leaving "Resigned of own accord", *not* "Discharged on reduction of establishment". Those men will be permitted to leave immediately on their giving notice or at any time thereafter up to one month from the date of their notice.

3. In the event of an insufficient number of men resigning voluntarily under the above terms, the necessary reduction will be made from amongst men approaching or past the age of 55, excepting individuals who may be specially required in the interests of the Company's service, and from others by selection.

4 Men thus compulsorily retired will be given one month's notice and such gratuity, Provident Fund bonus and leave benefits as may be due to them under the rules, but no bonus of a month's pay.

Mr. N. M. Joshi : Is it a fact that the Labour Union requested the Agent to reduce, if necessary, first the junior men instead of reducing the senior men ?

Mr A. A. L Parsons : I have no information to that effect, Sir. The Labour Union made certain inquiries whether employees with short service, who were brought under reduction, would get a gratuity. But I find nothing in the memorandum which has been given to me of the conversations between the Agent and the Union which suggests that they put forward that request.

Mr. N. M. Joshi : May I ask whether the Railway Board will recommend to the Bengal Nagpur Railway Agent that persons who have been engaged during this year should first be reduced before people who have put in longer service ?

Mr. A. A. L. Parsons : I will consider the Honourable Member's suggestion and bring it to the notice of the Agent of the Railway. I must point out, however, that, I think probably quite advisably, the first men the Agent proposes to retire are those who are nearing the age for retirement, *i.e.*, nearing the age of 55. I am not sure that it will be desirable to alter that particular provision in the manner suggested by the Honourable Member

Mr. B. Das : Are Government aware that owing to the floods there is already severe distress in the district of Midnapur and the districts of Chota Nagpur and Orissa, and in view of the fact that any retirement of the staff on the Bengal Nagpur Railway will affect the people inhabiting those districts and enhance the distress of the Oriya people as well, will Government see their way to recommend to the Bengal Nagpur Railway authorities not to reduce the staff, at least under the present distressing conditions ?

Mr. A. A. L. Parsons : I am afraid I could not recommend to the Agent of the Bengal Nagpur Railway to continue to keep on staff for whom there is no work.

Mr. B. Das : Will the Honourable Member recommend that these men be utilised in any other capacity on the Bengal Nagpur Railway, especially in the affected area where the railway lines are breached ?

Mr. A. A. L. Parsons : Is the Honourable Member asking whether I will recommend to the Agent that any man who has been discharged from the Kharagpur Workshops should be given other employment on the Railway in places where they can find him suitable employment ? I think it is almost certain that the Agent has already taken that into consideration, but I will convey the suggestion to him

Lieut.-Colonel H A J. Gidney : Will the Honourable Member kindly state whether the Railway Board has any authority to interfere with the personnel of Company-managed Railways and whether it considers it advisable to interfere with the personnel of Company-managed Railway Workshops ?

Mr. A. A. L Parsons : I am not aware, Sir, that any charge of interference with the personnel of these workshops has been levelled against the Railway Board We have been acting entirely in consultation with the Agent, who himself consulted us. Our relations with the authorities of Company-managed Railways are extremely intimate, and they would certainly consider themselves bound to consult us when action of this sort has to be taken

Mr. Varahagiri Venkata Jogiah Will the Government be pleased to state whether the Bengal Nagpur Railway authorities while discharging old workers, have been extending the service of men who are over 55 ?

Mr A A. L Parsons If the Honourable Member will wait, there is a further question, on which, though it does not exactly answer his question, I think that it will more appropriately arise.

Mr. N. M. Joshi : With reference to the supplementary question of my gallant friend, Colonel Gidney, may I ask the Railway Board whether most of the capital of the Company-managed Railways is supplied by the Government of India ?

Mr. A. A. L. Parsons : That is so.

Mr. K. Ahmed : One supplementary question, Sir. In view of the fact that more workmen will be required for the repair of the damages caused by the floods, do Government propose for the benefit of these workmen and for the benefit of the country, to keep these men on until the works are finished and the damages are repaired ?

Mr. A. A. L. Parsons : I am afraid I can find very little connection between work which is done by skilled artizans in the Kharagpur workshops and the earth work which is being done on mending the lines on the East Coast section. I have already said that I will convey the suggestion to the Agent of the Railway that, if possible, other work should be found for these men on the Railway.

Mr. N. M. Joshi : May I inquire whether the Railway Board will consider the suggestion of the Labour Union that instead of reducing the men all at once, they should wait for vacancies taking place in the natural course ?

Mr. A. A. L. Parsons : I think I have already answered that I am afraid the Railway Board cannot justify the continuance of employment in the Kharagpur workshops of men for whom there is no work.

EXPENDITURE INCURRED BY THE BENGAL-NAGPUR RAILWAY ON SUPERIOR OFFICERS AND SUBORDINATE SUPERVISING STAFF.

907. *__Mr. N. M. Joshi__ : (*a*) Are Government aware that during the last three years their expenditure on the Bengal Nagpur Railway for superior officers and for subordinate supervising staff has gone up considerably ?

(*b*) If so, will they be pleased to state by how much the above expenditure has gone up ?

Mr. A. A. L. Parsons : Final figures of the expenditure on superior and subordinate supervising staff on the Bengal Nagpur Railway for 1926-27 are not yet ready, but I will send the Honourable Member the information that he requires as soon as they come in.

Mr. N. M. Joshi : May I ask, Sir, whether, if the expenditure on the superior and subordinate supervising staff has gone up considerably, the Railway Board will be prepared to reduce that expenditure ?

Mr. A. A. L. Parsons : We should only be prepared to reduce expenditure if it was thought that it was not being wisely incurred. I think, when the Honourable Member sees the figures, he will find that there has been a considerable drop in expenditure last year as compared with the year before.

Mr. N. M. Joshi : My question was whether the expenditure has not gone up during the last few years, and if the expenditure has gone up, whether the Government of India will reduce that expenditure.

Mr. A. A. L. Parsons : The answer to the Honourable Member's question is that we addressed the Agent of the Bengal Nagpur Railway, as well as the Agents of all other Railways, to see whether they could not, by revising their arrangements, and without loss of efficiency, succeed in obtaining a reduction of administrative charges.

RATES FOR DAILY WAGE STAFF IN WORKSHOPS OF THE BENGAL NAGPUR RAILWAY.

908. *Mr N. M Joshi : Will Government be pleased to state whether after the last strike of the Bengal Nagpur Railway employees any improvement in the conditions of service of the workers has been made and, if so, will they be pleased to state what it is ?

Mr. A. A. L. Parsons : Yes. The pay of workers drawing under eleven rupees per mensem has been raised in all departments except the Locomotive Department where proposals are under final examination. Meanwhile, the Chief Mechanical Engineer has already been authorised to adopt from the 1st September the following minima rates for daily wage staff in workshops .

Skilled labour, twelve annas a day,

Unskilled adult men, nine annas a day.

DISCHARGE OF OLD WORKMEN OF THE WORKSHOPS AT KHARAGPUR.

909. *Mr. N. M. Joshi : Will Government be pleased to state whether :

(a) while old workers are being discharged in the Kharagpur workshops, some new workers are being engaged ?

(b) articles manufactured in the shops are being obtained through contractors ?

(c) articles manufactured in the workshops are being obtained from foreign countries ?

Mr. A. A. L. Parsons : (a) No.

(b) Certain articles such as bolts and nuts below three quarters of an inch diameter and some casting, etc., have always been obtained through contractors. Probably what the Honourable Member wishes to know is whether there has been any recent alterations of practice If so, the answer is in the negative.

(c) Here again there has been no alteration of the practice on the Bengal Nagpur Railway, which is much the same as that of other Railways.

Mr. Varahagiri Venkata Jogiah : May I ask, Sir, whether the Bengal Nagpur Railway have been discharging old workers and at the same time granting extensions to those who have completed the age of 55 ?

Mr. A. A. L. Parsons : Not so far as my information goes, Sir.

Mr. N. M. Joshi : May I ask, Sir, whether it is not a fact that articles so far manufactured in the Kharagpur workshops are now ordered to be obtained either through contractors or through foreign countries ?

Mr. A. A. L. Parsons : The information given me by the Agent of the Railway, which I have just read out to the House, appears to me to show that that is not the fact, for he states there has been no alteration in the practice.

Mr. N. M. Joshi : Though there may not be an alteration in the practice, there may be alteration in the amount of the articles made in Kharagpur, and I want to know whether the Railway Board will be willing to convey the sense of this House that it is not right and that it is not in the interests of the workers of this country that they should get these articles from foreign countries.

Mr. A. A. L. Parsons : I am not sure that I understand to what articles the Honourable Member refers, nor am I sure that he expresses the sense of this House.

Mr. N. M. Joshi : The Honourable Member is aware that this House has given protection to many industries ?

DISCHARGE OF 12 CLERKS BY THE LOCOMOTIVE AUDITOR AT KHARAGPUR, BENGAL NAGPUR RAILWAY.

910. ***Mr N. M. Joshi** : (*a*) Is it a fact that the Loco. Auditor at Kharagpur has in the name of economy discharged 12 clerks and purchased equipment and machinery worth nearly Rs. 50,000 and is incurring an additional monthly expenditure of about Rs 1,000 ?

(*b*) Do Government propose to enquire into this matter ?

Mr. A. A. L. Parsons : A reference has been made to the Railway Administration, but up to the present no reply has been received. The information will be communicated to the Honourable Member on receipt.

NUMBER OF INDIAN GUARDS AND DRIVERS ON PASSENGER TRAINS ON THE MAIN LINE OF THE GREAT INDIAN PENINSULA RAILWAY.

911. ***Mr. N. M. Joshi** : With reference to the reply given to my unstarred question No. 29, dated 18th August 1927, will Government be pleased to enquire how many Indian guards and drivers are running on the main line of the Great Indian Peninsula Railway for passenger trains. and if there are none. why ?

Mr. A. A. L. Parsons : I will obtain the information for the Honourable Member.

NUMBER OF RAILWAY EMPLOYEES DISCHARGED AFTER PERIODICAL MEDICAL EXAMINATION DURING THE YEAR 1926.

912. ***Mr. N. M. Joshi** : (*a*) With reference to the reply to my unstarred question No. 38, dated 18th August 1927, will Government be pleased to enquire how many men in railway service were discharged after periodical medical examination during the year 1926 ?

(*b*) Will they also be pleased to state how many of the men discharged were Indians and how many Europeans ?

Mr. A. A. L. Parsons : I will obtain the information for the Honourable Member.

QUESTIONS NOT PUT, OWING TO THE ABSENCE OF THE QUESTIONER, WITH ANSWERS TO THE SAME.

BOOKING OF MOTOR CARS AND LIVE STOCK FROM DIGHA GHAT, BENGAL AND NORTH WESTERN RAILWAY, ACROSS THE RIVER DURING THE RAINS.

899. ***Khan Bahadur Sarfaraz Hussain Khan**: Will the Government be pleased to state:

(*a*) If they are aware that booking of motor cars and live stock from Digha Ghat, Bengal and North-Western Railway across the river remains closed during the rains?

(*b*) If so, for how many months in the year?

(*c*) What other course is open to the public to send live stock and motor cars during the period?

(*d*) Is it a fact that the other routes for their transport are very costly?

(*e*) Do Government propose to take necessary steps to give relief to the public in this connection?

Mr. A. A. L. Parsons: Enquiry has been made and the result will be communicated to the Honourable Member.

REPORT OF THE INDIAN SUGAR COMMITTEE.

900. ***Khan Bahadur Sarfaraz Hussain Khan**: (*a*) When did the Indian Sugar Committee submit its Report?

(*b*) If it has, what action have the Government taken since the submission of the Report?

(*c*) If not, when is the Committee expected to submit the report?

Mr. A. R. Dalal: (*a*) In 1921.

(*b*) A statement showing the action taken by Government on the Reports is laid on the table of the House.

(*c*) Does not arise.

X.—ACTION TAKEN BY THE GOVERNMENT OF INDIA ON THE RECOMMENDATIONS OF THE INDIAN SUGAR COMMITTEE.

Recommendations.	Action taken.
I.—*General Agricultural Recommendations.*	
Recommendation No. 225.—The importance of agricultural engineering should be recognised by the incorporation of Agricultural Engineers in the I. A. S.	The Government of India abandoned the proposal to include the Agricultural Engineers in the cadre of the I. A. S.
Recommendation No. 230.—The mycological needs of cane will be met, if laboratory facilities are provided at the Sugar Research Institute and when necessity arises, a Mycologist from Pusa is lent to the Institute.	Action on these was postponed pending the creation of an all-India Entomological Service.
Recommendation No. 231.—An additional Entomologist should be appointed to the Pusa staff principally for the investigation of cane pests throughout India.	The consideration of this proposal has been postponed pending the receipt of the recommendations of the Royal Commission on Agriculture.

Recommendations.	Action taken.
Recommendation No. 232—The power of the Imperial Sugarcane Expert to import cane from other countries without a certificate of freedom from disease should be transferred to the Director of the Sugar Research Institute when it is created.	The Sugar Research Institute has not been established yet
Recommendation No. 233.—Till then the power should also be given to the officer in charge of the Research Station at Shahjahanpur.	This recommendation has been given effect to
Recommendation No 234—The water requirements of cane should be investigated on all agricultural stations working on cane	Left to local Governments for necessary action.
Recommendation No 235—The establishment of the proposed research station in the Punjab for the investigation of the water requirements of all crops should be expedited and a Soil Physicist or Physical Chemist should be placed in charge.	
Recommendation No. 236—The possibility should be considered of meeting the cost of lining canals on which a concentrated cane area is to be served by increasing the water rates	
Recommendation No 237—The system of selling irrigation water by volume has great advantages and conditions are more favourable for its adoption than when the Irrigation Commission first expressed their preference for it when practicable	Under consideration by the Public Works Department.
Recommendation No. 239—Early action on the recommendations of the Committee on Weights and Measures is required in the interests of the cultivator.	Necessary action has been taken by the Commerce Department

II.—*Other sources of Sugar*

Recommendation No. 258.—A unique opportunity appears to be afforded of opening a combined cane and beet sugar factory in the Peshawar Valley	Left to the local Government concerned

III.—*The Manufacture of Gur.*

Recommendation No 287.—The Industrial Commission's recommendations for the grant of loans for small or cottage industries are well suited to encourage the gur-making industry, except that the disposal of these loans should be entrusted to the Agricultural Department and not to the Department of Industries	Referred to the local Governments who agreed to grant loans where necessary

IV.—*The Sugar Factory and its Raw Material*

Recommendation No. 313—To enable monthly settlements to be made under the scale proposed, the Director of Statistics should issue monthly a statement of the average wholesale prices in the principal markets of white sugar manufactured in India.	This is covered by recommendation No. 375.

Recommendations.	Action taken
Recommendation No 319—There are several projects for new lines in North Bihar the execution of which would be of great benefit to the factory industry there. *Recommendation No. 320*—Other schemes that should be proceeded with are for branch lines or extensions in Gorakhpur (United Provinces), Kamrup (Assam), Ganjam (Madras) and Poona (Bombay) *Recommendation No. 321.*—On existing lines the chief need is a prompt service of open trucks with low sides.	Necessary action has been taken by the Railway Board.
Recommendation No. 322.—With the development of the industry there will be a growing need for privately owned light railways to convey cane to the factory; and the authorities controlling existing roads and railways should as far as possible afford the necessary facilities	Necessary action has been taken by the Railway Board

V.—*Manufacture of Sugar.*

Recommendations.	Action taken
Recommendation No. 342.—Government should, therefore, erect a pioneer factory in Upper India outside the present factory zone, possibly in the Karnal or Rohtak district of the Punjab. *Recommendation No 343*—It should be run on purely commercial lines by a directorate of five—a managing director, the Director of the Sugar Research Institute (*ex-officio*) another official nominated by Government and two non-officials nominated by the Sugar Board. *Recommendation No. 344.*—The nanaging director and factory staff should be recruited on special agreements and participate in profits. *Recommendation No. 345.*—Should Government be unable to provide the funds, a loan should be raised in the form of debentures carrying a guaranteed interest of 7 per cent free of income-tax and a half share in all profits above 7 per cent. up to 13 per cent *Recommendation No. 346*—The Factory should be required to carry out general experiments for the benefit of the sugar industry and should receive no privileges which would not be given to a private factory.	The establishment of a pioneer factory in Upper India was postponed owing to financial stringency. It must now await the recommendations of the Royal Commission.
Recommendation No. 352.—The period of notice for the submission of tenders should not exceed six months. *Recommendation No. 353.*—The possibility should be considered of adopting as the contract rate a sliding scale based on the market price of the distiller's basic material	Necessary action has been taken by the Commerce Department

Recommendations.	Action taken.
VIII.—*Formation of an Indian Sugar Board*—concld.	
Recommendation No 400 —Profits on the research stations should be devoted to the expansion of the activities of the Institute. *Recommendation No 401* —The submission by factories to the Institute of returns approved by the Board should be made compulsory by legislation, but proceedings for default should only be taken on the complaint of the Board *Recommendation No 402* —The Research Institute should be located where it can serve not only the existing factory industry of Upper India but also the great cane tract further west and north and a site in the Basti or Kheri district of the United Provinces would fulfil these requirements *Recommendation No 403* —The same place should be adopted as the headquarters of the Board, though the Chairman should have power in case of necessity to convene meetings elsewhere *Recommendation No 404* —The Sugar Bureau should be continued pending its absorption in the Research Institute.	The establishment of a Sugar Research Institute and a Sugar Board was postponed. It must now await the recommendations of the Royal Commission on Agriculture The question of establishing research stations in the provinces has been left to local Governments.
IX —*Coimbatore*	
Recommendation No. 406.—The Coimbatore cane-breeding station and the post of cane breeding expert should now be made permanent *Recommendation No 407* —The station should be transferred to Imperial control *Recommendation No 412* —More attention should be paid to the breeding of new varieties of thick canes for Peninsular India, Burma and Assam *Recommendation No. 413.*—The area of the station should, if necessary, be increased by some 25 or 30 acres for this purpose *Recommendation No. 414* —Coimbatore should also become a cane research station for South Madras *Recommendation No. 416* —In addition to undertaking branches of work indicated in Chapter X, the research station should carry out special investigations into the water requirements of cane. *Recommendation No. 417.*—A second cane-breeding station is required mainly for the raising of seedlings from parents that will not produce fertile seed at Coimbatore. *Recommendation No 422.*—The cane-breeding expert should control both breeding stations, making Coimbatore his headquarters.	The Coimbatore Cane breeding station has been made permanent and brought under Imperial control with effect from 1st April 1925. Funds amounting to Rs. 1,03,600 for providing additional staff and for the purchase of land, etc., were provided during 1925-26. Additional land has been acquired and extra staff is being recruited A sum of Rs. 1,00,000 has been provided for further expansion of the station during 1926-27. A Second Cane-breeding Officer has been appointed to conduct research on thick canes.

Recommendations.	Action taken.
X.—*Sugar Schools.*	
Recommendation No. 426.—One of the greatest needs of the Indian Sugar industry is a properly trained staff of chemical, engineering and agricultural assistants.	
Recommendation No 427.—The specialised technical training which will qualify men to enter the sugar industry as competent workers should be provided in the country.	
Recommendation No. 428.—Of the educational institutions in other countries which give courses of instruction in sugar technology the Audubon Sugar School of the Louisiana State University and the College of Hawaii furnish the most instructive precedents for India.	
Recommendation No. 429.—The school for India should provide a thorough training in sugar agriculture, chemistry and engineering and should form an integral part of the Sugar Research Institute	Owing to financial stringency consideration of the proposals was deferred It must now await the recommendations of the Royal Commission on Agriculture.
Recommendation No. 430.—The ultimate standard of training to be aimed at should be worked up to gradually with due regard to the immediate needs of the industry.	
Recommendation No. 431.—Prior to admission students should have taken the first two years' course of an Agricultural or Engineering College with some additional instruction in chemistry and physics.	
Recommendation No. 432.—The Sugar School course should extend over 2½ years and three crushing seasons, and should be conducted in two sections, an agricultural section and a chemical and engineering section, though a part of the training would be common to both.	
Recommendation No. 433.—Practical field and factory work should form the most prominent feature of the course; and for this purpose the school should have its own farm and small model factory.	

NOTE.—Other recommendations concerned local Governments and were left to them to take such action as they considered necessary.

CREATION OF SCHOLARSHIPS FOR THE STUDY OF THE SUGAR INDUSTRY IN FOREIGN COUNTRIES.

901. **Khan Bahadur Sarfaraz Hussain Khan**: (*a*) Are Government considering the desirability of creating scholarships for the study of the sugar industry in foreign countries?

(*b*) If the answer to (*a*) be in the negative, will the Government please give reasons?

Mr. A. R. Dalal: (*a*) and (*b*). The question of creating scholarships for the study of the sugar industry is under the consideration of the

Royal Commission on Agriculture. It will be taken up by the Government of India when the recommendations of the Commission are received.

PROPOSED BRANCH LINE OF THE BENGAL AND NORTH WESTERN RAILWAY BETWEEN MAHARAJGUNJ AND DRAULI.

902. Khan Bahadur Sarfaraz Hussain Khan : Will the Government be pleased to state :

(a) When it is expected to open the proposed branch line of the Bengal and North Western Railway between Maharajgunj and Drauli in the District of Saran (Bihar and Orissa) ?

(b) Do they propose to ask the Company to expedite the completion of the scheme ?

Mr A. A L Parsons : (a) and (b). This line has not yet been surveyed If the Mashrak-Thawe line, which is under consideration, is taken up, it will serve the same area

RUNNING OF THROUGH COMPOSITE FIRST AND SECOND CLASS CARRIAGE BETWEEN PAHLEZA GHAT AND THE MAIN LINE OF THE BENGAL AND NORTH WESTERN RAILWAY.

903. Khan Bahadur Sarfaraz Hussain Khan : Will the Government be pleased to state :

(a) If it is proposed to run a through composite first and second class carriage between Pahleza Ghat and the main line of the Bengal and North Western Railway going to Cawnpore ?

(b) Is it a fact that passengers, specially ladies, are subjected to inconvenience during the rains and cold weather by walking a long distance on the Sonepur station platform to get another train ?

Mr. A. A. L. Parsons : (a) Enquiry has been made and the result will be communicated to the Honourable Member.

(b) Government have received no complaints to this effect

MOTION FOR ADJOURNMENT.

RETRENCHMENT BY THE BENGAL NAGPUR RAILWAY OF WORKMEN EMPLOYED IN THE WORKSHOPS AT KHARAGPUR.

Mr. President : I have received the following notice of motion for adjournment of the House under rule 11 of the Indian Legislative Rules from Mr. M. K Acharya :

"I desire under Rule 11 of the Indian Legislative Rules to make a motion for the adjournment of the business of the Assembly to day (7th September 1927) for the purpose of discussing a definite matter of urgent public importance, namely, the decision of the Bengal Nagpur Railway authorities immediately to retrench 2,000 men of the Kharagpur workshops at a time when the neighbouring parts of the country are stricken with the havoc caused by the recent floods, and while the said railway authorities are giving out on contract to private firms large quantities of work till recently done in the railway workshops by the workmen themselves."

This notice of motion came into my hands one minute before 11 o'clock. It is extremely inconvenient to every one concerned, particularly to the Chair and to the Department that Members should give such notice just at the eleventh hour. I must have some time at any rate to consider the question of admissibility to enable me to pass orders on it. I hope, therefore, that Members who desire to give notice of motions for adjournment of the House under rule 11, will at least give a few minutes to the Chair, so that the Chair might communicate with the Department concerned and have their view. This is, of course, for future guidance. As for the particular notice which I have just read to the House, I should like to know from Mr. Acharya on what date this decision of the Bengal Nagpur Railway authorities was arrived at ?

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, from the papers that I have got, notice seems to have been given on the 15th of last month and it is to take effect before the end of this month. It is specifically stated in the notice that arrangements should be made so that the whole of the surplus is eliminated before the beginning of the Puja holidays. It says :

"The notices to the staff whose services are dispensed with compulsorily should be issued so that they will expire by the 29th September at latest ".

I got this two days ago. I was thinking over it and consulting friends as to the action that should be taken. I hope when the occasion arrives I shall be able to show that it is not only urgent but that, inasmuch as it affects the welfare of 2,000 workers and their families, it is of great public interest, and I hope I shall be able......

Mr. President : I only want to know from the Honourable Member when the decision of the Bengal Nagpur Railway was arrived at ? On what date ?

Mr. M. K. Acharya : I cannot say I have got only the letter of the Agent addressed to the Chief Mechanical Engineer giving instructions to bring about retrenchment before the 29th September at latest

The Honourable Sir George Rainy (Member for Commerce and Railways) : I think, Sir, I can supply the information for which you have asked. The decision of the Agent was communicated to the Labour Union at Kharagpur on the 15th August last. I remember myself seeing in one of the Calcutta newspapers a public announcement on the subject,—in a paper which reached Simla on the 18th August. I take it, therefore, that it must have been actually published in Calcutta either on the 16th or the 17th. As regards the admissibility of the motion, Mr. President, I should like to make two submissions. In the first place, the House has heard the answers given by Mr. Parsons to the questions on this subject I would submit that it is very difficult to say that this is a matter of public importance. I do not say that a large reduction in the labour force in a railway workshop might not be in given circumstances a matter of real public importance : but I do think that a great deal would depend upon the circumstances, and as far as I know, there is nothing in the present case which would justify the belief that it is, in fact, a matter of great public importance. It is obvious, I think, that if matters of this kind were invariably so regarded, the time of this House would be constantly taken up with discussions on subjects of this kind.

[Mr. Fazal Ibrahim Rahimtulla.]

Sir, there are two points which have been discussed in this House, which I think require some consideration. The first point was that the present Bill is not sufficient to protect the mill industry The second point was that it hits the handloom industry. As regards the first point, I would just read a few lines, from the Millowners' Report to show why this yarn Bill has been justified and is necessary in the present circumstances :

"The greatest value of the duty in the opinion of the millowners is that it would act as a powerful weapon against the dumping of yarns of coarse counts which are the lifeblood of the Indian industry Even during the last four years of depression the millowners point out that by selling their yarn at a loss they have been able to keep out imports of coarse counts, but they fear that with a continuation of the unsettled conditions of the Far Eastern markets, the Japanese and Sino Japanese mills will attempt to dispose of the coarse yarns in India at dumping prices, which under normal circumstances would have been sold in China Already Sino-Japanese yarns of medium counts are being sold in Bombay at 20 to 25 per cent below the bare cost of production in India, and the latest shipments indicate that the movement is extending to yarn of counts below 20 This, to our mind, constitutes a very valid reason for supporting the duty which the Government's Bill proposes."

As regards the argument of my friend Mr Jamnadas Mehta that the Tariff Board Report has said nothing about the yarn duty. They have said on the contrary that the yarn duty if levied would go against the handloom industry I would draw his attention to page 192 where it is said :

"At the same time, it must be recognised that conditions in this respect may change and that large quantities of coarse yarn may be placed on the Indian market at prices with which the Indian mills may not be able to compete The possibility that Japan may, owing to the disturbed conditions in China, seek an outlet for yarn of lower counts in India at such prices cannot be overlooked Should this happen and, especially, should it happen before the industry has had time to effect the internal economies and the reorganisation we have suggested, we are of opinion that a contingency will have arisen in which an additional duty on yarn would be fully justified "

Sir, I leave the matter at that and leave it to the Members to judge why the millowners have come forward to support the Select Committee's Report or in other words the Government measure As regards the handloom industry there is no doubt that it is going to be hit I do not think, Sir, there is anybody in this House who will deny that statement The point is whether the handloom industry is going to be hit to-day or whether it is going to be ultimately hit by some other causes and consequences which will be much more serious I shall point out to my friends here who are as keen as I am about the handloom industry to read page 170 of the Tariff Board's Report :

"It should be pointed out that, even if no countervailing duty is levied, a rise in price is inevitable since, unless Japan is able to supply all the requirements of India at the low prices at which she is able to supply part of them, it is to her interest, once she has established herself in the Indian market, to allow prices to rise to the level at which other competitors can sell without loss but which would yield her larger profits A rise in prices in this way would, however, be far more gradual than that which would follow the imposition of a differential duty and in the meantime serious and perhaps lasting damage might have been inflicted on the home industry From the point of view of the consumer, therefore, the imposition of a differential duty against unfair competition merely hastens the rise in prices which would, in any event, be brought about by the play of normal economic forces "

Sir, I have dealt with these two points and now I must congratulate my friend, barring these two points, on the excellent speech which he

delivered. I entirely agree with Mr. Jamnadas Mehta that the Government have placed this House in a dilemma. If they had adopted the Tariff Board's recommendations they would have secured the unanimous support of this House. Instead of that, by bringing forward this yarn Bill they have created a conflict of interests, and instead of having the relief for which the millowners were fighting we are now asked to fight amongst ourselves. The millowners, as you know, Sir, asked the Government to appoint a Tariff Board to go into the question of preventing the unfair competition from Japan. What do we find now ? Instead of having the Tariff Board's recommendation to prevent unfair competition from Japan, we find that the mill industry has to fight against the representatives of the people in connection with the handloom industry. Sir, I may be permitted to mention here what the Japanese Government themselves have done for their own staple industries and what they are doing in order to safeguard their interests. I would call upon the Government, which call themselves the Government of India, to look after the interests of India and to see that the unfair competition is not allowed to go on while the staple industry of India is ruined. Sir, I will read from an extract from a Japanese financial and economic monthly for February 1927 :

"In response to any enquiry put by the Department of Commerce and Industry, the Commission on the Promotion of National Industry has recently drawn up a basic policy for laying solid foundations for the staple industries of the country and the means to be employed for carrying it out. By taking into consideration these important results of study by the Commission, the authorities of the Department of Commerce and Industry soon completed a draft of a basic policy for the helping of staple industries of the country which they had been studying. The draft policy which has already been transferred to the Legislative Bureau, will shortly be decided upon at the Cabinet Council. As a result, the financial expenditure required for the protection of industries for the financial year 1927-28 will be submitted to the Diet in the form of an additional estimate. To state in outline the basic policy for the helping of staple industries for ten to fifteen years to come (according to industry) the Government is to render pecuniary help to staple industries to the extent of roughly Yen 45,000,000 per year"

Which means 6 crores of rupees per year. Take other things about shipping companies. Here is an extract from page 191—The Indian Cotton Excise Duty :

"[illegible] 6 million yen—([illegible] but it is difficult [illegible] company to quot[illegible]ecause for a perio[illegible] company made a [illegible] loss and pay a d[illegible] per year

Take another instance This is an extract from a report on the Cotton Spinning and Weaving Industry in Japan by Mr W. B Cunningham, His Majesty's Consul, Osaka :

"The Osaka Shosen Kaisha runs a monthly service to the East Coast of Africa, calling at such ports as Kilindini, Mombasa and Dar es salaam, which brings cotton to Japan A subsidy of 400,000 yen (which means 5¼ lakhs of rupees per annum) is paid to this service, which was inaugurated in 1926.

I come now to another extract about low freights :

"The freight for cotton from India to Japan is 4.56 yen per bale subject to a discount of 1.40 yen per bale to Japanese spinners. This works out at 2 pies per pound. The freight on piecegoods from Japan to India is 14.5 yen per ton less a discount of 10 per cent., which works out at 2.1 pies per pound. The total freight on

[Mr. Fazal Ibrahim Rahimtulla.]

both raw cotton and piecegoods thus amounts to 4 1 pies per pound, which it may be *noted is the railway freight on piecegoods alone per pound from Bombay to Sholapur.*"

I hope, Sir, that this will serve as an eye-opener to the Honourable the Commerce Member and show him that the time has arrived, if he wants to do justice to the staple industries of India, to take such measures as Japan is taking to safeguard these industries, and I will say that he will not fail in having the support of this part of the House in any measure of this kind that he may bring forward. Sir, as regards the unfair competition from Japan I think the Honourable the Commerce Member has already admitted this fact. If he has not then the telegram from Japan which we have received here would amply show that there is no doubt about the unfair competition. Reuter's telegram of August 31st announced :

"London: Osaka Committee of Japanese Cotton Spinners' Association has decided to employ every means in its power to prevent the passage through Indian Assembly of Cotton Yarn Bill."

I think, Sir, the Honourable the Commerce Member will not forget to bring forward at a very early date the Cloth Bill which my friend Mr. Jamnadas Mehta is so keen about and which I think he will whole-heartedly support. As regards the question of labour, I think my friends here are already aware that the labour conditions in Japan are not the same as those of India. I have got various extracts with me here from Japan and other places

Diwan Chaman Lall : From Anglo-Japanese sources ?

Mr. President : The Honourable Member might put them on the table if he likes (Laughter.)

Diwan Chaman Lall : Will the Honourable Member inform us whether they are from Anglo-Japanese papers or not ?

Mr. Fazal Ibrahim Rahimtulla : No, Sir, they are not. I have here an extract from the Japanese Year Book for 1924 ; an extract from a petition presented in the Japanese Diet by women and children working in Japanese factories in 1926 urging the immediate abolition of night work.

Diwan Chaman Lall : Is not that extract from an Anglo-Japanese paper ?

Mr. Fazal Ibrahim Rahimtulla : It is a petition from the Japanese women workers

Diwan Chaman Lall : Has the Honourable Member seen the original petition ?

Mr. Fazal Ibrahim Rahimtulla : Sir, I will now turn to another point which I think is also important. As the House is probably aware, India was exporting bales of yarn to China. In 1905 we exported 6,51,870 bales of 400 pounds each In 1925 we exported 28,623, and in six months of 1926 we find that only 3,000 bales were exported. That is due to China and Japan having mills in Shanghai and other places, and they are taking every precaution to see that the staple industries get adequate protection : every facility is provided by their Government to give them that protection which is needed to make them stand on their own legs. But here we find, Sir, that the Government is creating a conflict

of interests. Sir, there is another important point that I think must be brought forward before this House, and it is this. I shall give an extract from the Asahi English Supplement, Present day Japan, 1927,—page 99 :—The Cotton Industry :

"It is also notable that the Toyo Raw Cotton Company purchased the Diamond Mill (with a spindleage of 34,552) at Bombay and began to run it under the style of the Toyo Podar Mills with a capital of two million rupees, while the Nippon Raw Cotton Company bought up several spinning and packing mills in Tanganyika and Uganda in Africa."

I am informed, Sir, that no foreigner is allowed to buy a scrap of land in Japan. And what do we find here, Sir ? Japan can purchase any amount of land, can purchase your mills, and, if the depression continues, they will become the masters of your mills here.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Why do the Bombay people send cotton to Japan ?

Mr. Fazal Ibrahim Rahimtulla : Because there is more cotton than your mills can consume. The Mill Industry is in a precarious condition and, if Mr. B. Das is not inclined to support the Bill, there will be more cotton going out of this country unless the Member wishes the mill-owners to run their mills at a loss

Diwan Chaman Lall : What happened to your profits in the past ?

Mr. Fazal Ibrahim Rahimtulla : Sir, I shall now conclude my speech by pointing out to this House another aspect of the question from the point of view of the cotton grower. There is a resolution in my hand passed by the Indian Central Committee, which is an all-India body, and that resolution was passed at their annual meeting in last July. What does it say :

"As it is understood that the Resolution of the Government of India on the Report of the Indian Tariff Board (Cotton Textile Industry Enquiry) is now under consideration, the Central Cotton Committee request that the whole question be considered with reference to the needs of Indian cotton growing.

'Whilst expressing no opinion on the Tariff Board's recommendations they desire to emphasise the fact that a healthy and prosperous Indian cotton spinning and manufacturing industry has an important bearing on the welfare of the cotton grower and on my Committee's own efforts to improve the quality of Indian cotton."

I hope, Sir, that will be enough to show to this House why the millowners *are justified in supporting the Government and why it is necessary* and essential that no postponement should take place, and that if you want to give some protection to the mill industry of India, you should support the measure that is now put forward in the shape of the Select Committee's Report.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) Sir, as one of the signatories to the majority report of the Select Committee, I would like to say a few words about the reasons that weighed with me in agreeing to the imposition of the proposed additional duty on cotton yarn In doing so, I do not think it necessary at this stage to say anything about the depressed condition of the textile industry in India and the case that has been made out for giving it adequate protection ; nor is it necessary for me to follow the Honourable the Commerce Member in his subtle and metaphysical disquisition about the difference between a safeguarding and a protecting Bill. I would like to answer some of the criticisms that have

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been urged against this measure by those who have taken up the advocacy of the handloom industry of India

Mr. B. Das : Are you speaking as a director of a cotton mill ?

Mr. R. K. Shanmukham Chetty : I am speaking as a Member of this House. Sir, those who have opposed this measure have based their criticism on two main grounds ; firstly, that the Tariff Board itself did not recommend a duty upon imported yarn, and secondly, that any duty on yarn would prejudicially affect the handloom industry in India. It is true that the Tariff Board did not recommend the imposition of a duty on imported yarn ; but the Tariff Board pointed out certain circumstances which if they came into existence, would not merely justify but necessitate the imposition of a duty on cotton yarn. These circumstances have been mentioned in the passage on page 192 of the Report which my Honourable friend over there read to the House just now. In that passage the Tariff Board pointed out the possibility of Japan dumping more yarn on the Indian market on account of the disturbed conditions of China, *and they have proceeded to say that under those conditions* an additional duty on yarn would not merely be justified but would be absolutely necessary to safeguard the Indian textile industry. I maintain, Sir, that the conditions and circumstances foreshadowed by the Tariff Board in that passage have already come into existence. Though the Tariff Board thought that Japan, on account of the disturbed conditions in China, may dump more yarn into the Indian market, the present position is that yarn from the Chinese mills themselves is being dumped on the Indian market. For the first five months of 1926 the total import of yarn into India from China was about 8,000 lbs., and for the first five months of 1927 the total import of yarn from China amounted to two million pounds ; and in this connection I would like to draw the attention of the House to the fact that this enormous increase in the import of yarn from China took place during the first five months of the year 1927, that is long before the Government of India placed their surplus silver on the market. It is anticipated that yarn of even coarser counts might be dumped on the Indian market from China. It has been brought to my notice, Sir, that coarse yarn is actually on its way to India from China at the present moment. I therefore maintain that the contingency that the Tariff Board expected might happen has already happened, and it would therefore serve no useful purpose to say that the Tariff Board itself was against the imposition of any duty upon yarn.

I will now come to the second objection—the effect of this duty upon the handloom industry in India. Sir, the object of a protective duty is to protect an industry ; and if a protective duty is to be effective, it must be paid by somebody or other. If the protective duty is not going to affect anyone, then it ceases to be a protective duty.

Mr. C. Duraiswamy Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Should it be paid by another industry ?

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of 25 million pounds of the total quantity consumed, less than about 8 per cent. of the total quantity. Take again the money value of these 25 million pounds Even if it is assumed that the whole of the imported duty will go to raise the price of this yarn, it will be 9 pies per pound on 25 million pounds of yarn, which means Rs. 12 lakhs ; and even supposing that the whole burden will fall on the handloom industry, the maximum effect will be Rs 12 lakhs. Sir, what is the total produce of the handloom Industry ? I have not got accurate figures, but I am told it is somewhere in the neighbourhood of Rs 30 crores per annum. I ask Honourable Members to consider whether in a total production of Rs. 30 crores per annum an increase of Rs. 12 lakhs in the cost of production is going to kill that industry.

Mr. B. P. Naidu (Guntur *cum* Nellore : Non-Muhammadan Rural) : It is enough to kill the industry.

Mr. R. K. Shanmukham Chetty : It is enough to kill you and me but not the industry.

Mr. C. Duraiswamy Aiyangar : Rs. 12 lakhs is not correct.

Mr. R. K. Shanmukham Chetty : I refuse to believe that as a result of the increase of Rs 12 lakhs the handloom industry which puts out on the market produce to the extent of Rs. 30 crores is going to be hit, much less killed. The handloom weaver would naturally try to shift a part of this burden on the consumer of the cloth. Now, it is possible that the price of the cloth woven in handlooms may not appreciably go up because of the competition of foreign cloth Taking it for granted then that the handloom weaver would not be in a position to shift any portion of these Rs. 12 lakhs on to the consumer, I maintain that the burden that is imposed upon him will not have the effect of hitting him hard. Sir, as I said at the outset, somebody or other must be prejudicially affected by a protective duty ; and in a case of this nature what the House has to consider is the question of balance of advantage on either side Here we have got the Indian textile industry, in which in Bombay alone about Rs. 45 crores of capital has been sunk, an industry in which over 3 to 4 lakhs of labourers earn their daily bread, in danger of perishing ; and here, as against it, you have got the handloom industry, employing no doubt 6 millions of people, who may be prejudicially affected to a maximum extent of Rs. 12 lakhs ; and wherein lies the balance of advantage ? Honourable friends on this side wanted to present a gloomy picture. Is it worth while for you to save a few Indian mills, in which about 3 to 4 lakhs of labourers are employed, and wipe out of existence 6 millions of handloom weavers ? Thank God, we are not placed in this dilemma conjured up by these gentlemen The problem that we are called upon to solve to-day is much simpler. The House has to decide on which side the balance of advantage lies ; and I was convinced, Sir, that the balance of advantage in this case lay distinctly on the side of the imposition of this duty. Sir, the Government took a serious responsibility upon their shoulders in not giving full effect to the recommendations of the Tariff Board, and if as a result of the policy that Government have pursued in this matter, the Indian textile industry is to be seriously hit then Government will have very much to answer ; and I would submit to Honourable Members that they

will be taking even a greater responsibility on their shoulders by rejecting this Bill. (Applause.)

Mr. William Alexander (Madras: European): Sir, I rise to say a few words in support of this motion. It is not necessary for me to make much reference to the question of the handloom industry as my Honourable friends on the other side have practically said all that could be said on that subject. I only wish to point out that if the handloom weaver is to be penalised even to the extent of one rupee by the passing of this Bill, then that is a sufficient reason for rejecting it. Sir, I would like to say a few words with regard to the present position of this most important industry. Looking at a matter of this kind, it is necessary to visualise the whole situation. It is necessary to take the long view and to take the good with the bad. Looking at it from that point of view and turning to the figures given in the Board's Report on page 241, I would point out that for nine years, that is, 1917 to 1925, the average yearly dividend paid was 20 per cent. Now, Sir, to some of us there does not seem to be very much to complain about it in that, in fact it may be said to be a most excellent return on money invested. As regards the future, I would like to point out that since this outcry first began some of the most vital conditions surrounding the industry have changed,—and are now changing, rapidly. Firstly, this year there is a rise in the value of the raw article. During the past month or two cotton in Liverpool has advanced from 7*d.* to 1*s.* per lb., which is equal to a rise of 40 per cent. We assume that the millowners took the usual precaution of securing their supplies for a year ahead. In that case they have every right to anticipate that this year they will secure much larger profits than they have done for a long time past. Secondly, there is now stability in the rupee. Bombay millowners were always faced with the possibility—with the danger—of their markets being again flooded with cheaply bought Lancashire goods through an advancing exchange. They have now been secured against that. Thirdly, the value of the Japan yen has now appreciated in value, so much so as to be almost at par to-day. This has taken away much of the advantage which Japanese shippers had up to not so very long ago. I am quite aware that there may be something in those three points I have made which may be questioned but to some of us who have spent more years than we care to remember in very close connection with this cotton goods and yarns trade, watching all the signs in the sky of the industry, there is no doubt whatever that changes are taking place and that the Bombay millowners have not so very much to complain about and that they like all other people engaged in mercantile pursuits have just to wait for the general uplift in trade which will bring back prosperity to the industry.

And, Sir, there is a fourth point I would like to make with regard to which I do not think there can be any controversy. I refer to the increase of purchasing power which is coming to the consumer through a big harvest of plentiful crops following an unusually heavy monsoon. This result should be seen in a very few months

And so, Sir, prospects taken all round are better than they have been for a long time past and for those reasons and looking to the danger and risk involved in raising a trade war with a country which buys from us three times the value of what we sell to them and with whom we have for many years past been on the best of terms, I trust Honourable Members

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of this House will support this amendment which after all only aims at preventing the passing of a piece of hasty legislation,—a course which many of us are perfectly certain Government would have reason to regret later on.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I do not rise to take any large part in this debate, but there is something that has just fallen from the last speaker which I should like to refer to. I might begin by congratulating him on his maiden speech which was so optimistic in character and I hope there will be many more of them because it has brought real pleasure to the heart of a Finance Member who likes optimism. The last statement that was made by the last speaker was that the only purpose of this amendment of Mr. Neogy's is to give time so that the matter may be more fully considered. Now, Sir, almost every speech that has been made in support of the amendment has been a speech not in favour of postponement but in favour of rejection and I should like to ask all those who are thinking of supporting it to remember that if they support this motion which in form is a dilatory motion, they are quite definitely supporting a motion for rejection and therefore the responsibility for the failure of this Bill to come into law will be just as much theirs if they vote for its postponement as if they were voting for its rejection Look at the position. It is a Bill which proposes to impose a safeguarding duty for a limited period of two and a half years. The amendment proposes that the Bill be circulated for eliciting opinion. That is to say, for six months at least nothing can be done. Six months of the two and a half years will in the meanwhile, have gone by. It is perfectly clear, therefore, that a motion for deliberate postponement at this stage is nothing less than a motion for rejection. I hope that some of my friends, such as Mr. Jamnadas Mehta who represents Bombay, although from his speech of yesterday he was apparently representing Lancashire and Japan, which is a mood that I had not previously observed to be frequent with him, will take to heart what I am saying. They are perfectly entitled, if they so wish, to come to the conclusion that even this measure of safeguarding which the Government of India propose for the cotton industry is not justified. But if they think that, on the contrary, they are simply telling the Government that it is desirable that they should do more, I would ask them whether saying that a limited measure is not justified is the best way to say that a larger measure is. If the Honourable Member will forgive me, I would also remind him that it is rather dangerous for him to use the argument that he has used about the handloom industry. If Honourable Members will examine that argument about the handloom industry carefully they will see that it comes to this. Supposing you had a state of complete free trade, then special measures ought to be taken to protect the handloom industry against the mill industry. It is a very strong argument for the cotton excise duty ; and I think the Honourable Member should be careful how he uses it, and I would warn others to be careful too. I do not wish to take up the time of the House any more, but I should like just once more to bring to their notice what has happened. The Government of India have, after carefully considering the majority and minority report of the Tariff Committee and coming to the conclusion that they could not accept either in that form, came to certain conclusions to which effect has been given in another Bill now before the House.

It was then pointed out to them that, although the Tariff Board had not recommended a duty on yarn, they had definitely said that there were special reasons for safeguarding the cotton yarn industry against what they regarded as unfair competition from Japan. Taking that into account, the Government have brought forward this measure for temporarily safeguarding the cotton yarn industry. If the House comes to the conclusion that that is not desirable, well and good, that is a natural use of the House's responsibility. But do not let it think that by introducing a dilatory motion it is in any way escaping its responsibility for giving or refusing protection to the cotton industry as proposed in this Bill.

Mr. Mukhtar Singh (Meerut Division : Non-Muhammadan Rural) : Sir, I want to congratulate the Government, not for the reason that has been advanced by another Member, but I want to congratulate the Government that they have been able to create a sort of conflict between the Members of this House and at the same time I must congratulate the Government that they have succeeded, in the first place, in hitting the Japan industries of yarn and at the same time they have been able to safeguard the Lancashire and Manchester interests. In order to prove, Sir, that they have hit directly the Japanese manufacturer of yarn, I may read a few figures from the Tariff Board's Report on page 36. There you will be pleased to notice that in 1922-23 the percentage of import of yarn from the United Kingdom was 51 per cent. while that of Japan was 48.6 per cent. In 1923-24, the import from the United Kingdom was reduced to 23.8 per cent. while the import from Japan went up to 76.8 per cent. In 1924-25 the import from the United Kingdom was further reduced to 10.2 per cent. while that of Japan went up to 89.7 per cent. In 1925-26 the import from the United Kingdom was further reduced to 7.3 per cent. and the import from Japan was increased to 92.5 per cent. And I suppose. Sir, that after a few years there is a possibility of ousting the manufacturer of yarn of the United Kingdom altogether from the Indian market. This is why I consider that the Government are so very anxious not to give effect to the recommendation of the Tariff Board ; but they have decided to levy a duty on yarn alone. I may further point out, Sir, why the Government have decided not to put a duty on piecegoods. On page 41 we find, Sir, that the import of grey piecegoods between the years 1920 and 1925 from the United Kingdom varied from 72.4 per cent. to 79 per cent., while the import from Japan has decreased from 25 per cent. to 20 per cent That merely shows that the manufacturers of piecegoods in Lancashire and Manchester are not able to hold their own in this country, while they are unable to compete with the Japanese manufacturer of yarn. The recommendation of the Tariff Board in this respect has been clear and definite. They clearly decided that an import duty on yarn was undesirable. They have stated :

"The majority of us consider, however, that the imposition of any import duty on yarn is undesirable in view of the effect that this would have on the handloom industry which in 1925-26 according the figures given in Appendix IV supplied 26 per cent. of the total consumption of the cloth in India."

They have clearly stated, Sir, that the import duty on yarn is not desirable. Not only that, Sir, they have pointed out that any differential duty on yarn of different counts is also undesirable. They have clearly found out that the only method of protecting the mill industry in this country is

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that of levying a duty on piecegoods They have given very good arguments for that.

"The fourth method which the majority of us favour is, therefore, that of an addition to the present *ad valorem* duty of 11 per cent on all cotton manufactures other than yarn Such a duty has, in our view, four great advantages. In the first place it gives protection against unfair competition. In the second it avoids complications arising from discrimination against particular countries. In the third, it enables funds to be found to give a definite stimulus to the development of the industry on the lines we have considered desirable, and lastly, it obviates the necessity for certificates of origin which would be necessary to ensure that the goods of foreign origin are not passed off as goods from any part of the Empire."

The Government in their Resolution stated as if the main recommendation of the Tariff Board was that of a bounty and in order to find money for the bounty it was necessary for them to impose a duty on piecegoods. Here is what the Government Resolution says :

"A majority of the Board has proposed that the import duty on cotton piecegoods *should be increased from 11 to 15 per cent for a period of three years The primary object of this increase is to provide funds to meet the cost of the proposed bounty on the spinning of the finer counts, and of certain other proposals made by the Board*, but it will also serve to reduce the rigour of the competition from Japan from which the industry suffers. No increase in the duty of yarn is recommended by the majority in view of
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imported from Japa

From this you will be pleased to notice that the main point that has been argued in this Resolution is that the primary object of this increase is to provide a bounty for the spinning of finer counts. I would submit, Sir, that this is not the case. We find that the heading under which this recommendation has been made is " additional import duty on yarn, cloth and other cotton manufactures." And further on, when they finish their recommendations on that point, they have taken up the case of State aid and other changes in the tariff Under that heading they have decided that it is necessary to give a bounty to yarn manufacturers. This clearly shows that they have decided definitely that it is necessary and there is no other course open to the Government to protect this industry but to levy an import duty on piecegoods. It will be incorrect to say that they decided to levy this duty simply on account of the necessity for finding funds for giving bounties to the yarn manufacturers. I would submit, Sir, that from the time the question of protection has been raised in this country, the Government have been following a very bad procedure. The Government have been able to raise money by putting up tariff walls and by hitting the consumer, but they have not tried to use that money for the development of those industries for the protection of which the tariff wall was raised.

Mr. B. Das : Hear, hear. That is my view also.

Mr. Mukhtar Singh : That is why, Sir, the majority of the members of the Tariff Board have decided that this thing should be done away with If the Government raise a tariff wall for the protection of a certain industry, the whole amount so realised should be used for the protection of that industry This is the reason why they have laid stress that the bounty system should be introduced. The Honourable the Commerce

Member has laboured at length in his speech to show that the bounty system is a very bad system and that the Bill he has given us is much better to protect the yarn industry in this country. I would submit, Sir, that there is a fallacy that lies underneath the whole argument, and it is this. May I ask whether we are protecting the yarn or whether we are going to protect the textile industry as such? Is the yarn to be used for any purpose other than cloth making? If we have not been able to protect our industry from the importation of cheap piecegoods from foreign countries, it is no protection at all. That is the main point to be considered. This is why the members of the Board clearly decided that it is but necessary to protect this country from the importation of cheap piecegoods Suppose, Sir, for a moment that the spinning mills of this country are unable to produce surplus stock for the handloom industry and they consume the entire volume of cotton yarn that they produce What would happen? Certainly the handloom industry will require the importation of cotton yarn for their manufacture of cloth, and the mill industry will in no way be a loser by this import. I would welcome the day when the whole amount of cotton yarn that is produced by the cotton mills in this country is used by themselves for the production of piecegoods. So, Sir, I do not understand why the Commerce Member lays stress on the idea that yarn should be protected. If we pass this Bill, it has been admitted by all the gentlemen who have spoken here that it will hit the handloom industry. Hitting the handloom industry means nothing else than the fact that the handloom industry will not be able to consume the surplus stock of yarn produced by the Indian mills and sell its piecegoods at a cheaper rate than the imported piecegoods. If you raise the duty on yarn and force the handloom weaver not to use certain counts, of which the price has been raised, the natural result will be that the consumption of yarn by the handloom weaver will be much less. What could you make of the surplus production of yarn by the cotton mills then? Hitting the handloom industry in a way means nothing short of the fact that you reduce the consumption of yarn by the handloom industry, and the natural result would be that the amount of piecegoods produced in this country would be reduced further, and the importation of piecegoods from foreign countries into this country would be much more increased. It means that we invite in a way the manufacturer of piecegoods to send in more piecegoods into this country by hitting the handloom industry, and, on the other hand, we are in no way helping the mill industry of this country, because, after all, the surplus yarn that is produced, will be used by nobody else but by the handloom weaver himself. That is one reason why I submit that it is necessary to see whether it is at all required to put a duty on yarn as has been suggested in this Bill.

The other argument that has been advanced by the Honourable the Commerce Member is that the bounty is very inadequate. It works to 1 4/5th pie per pound while the Bill suggests that it will be one anna and six pies. I submit that this is also another fallacious argument. I have tried to calculate how much surplus yarn will be available for the handloom industry in this country. It has been suggested that the total yarn of 31s. to 40s used in this country is about 50 million pounds, out of which about half is used by the handloom industry. The point is how much surplus is there left in the Indian cotton mills which is available for sale in this country. According to the Commerce Member it comes to about 10

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per cent. of 25 million pounds, that is, about 2.5 million pounds. According to the figures I have been able to find out from the Tariff Board Report, it is only 19.7 million pounds. It has been repeated in several places that 19.7 million pounds is the production of Indian mills of cotton yarn of counts from 31*s*. to 40*s*. I have tried to calculate and I find that the average production for the 11 years comes to 18.6 million pounds per year. If there has been an increase in this year, and if it is totalled and divided, it will make a very small and negligible increase. So, we find, that the total yarn that is produced by the Indian cotton mills is consumed by them, and they consume over and above that about 6 million pounds. If this is a correct figure, then we are also forcing the mills to purchase yarn at a higher price than they are purchasing to-day. If it is not so then in the other case, I would submit that, according to the best figures that have been given, there would be only a surplus of 2.5 million pounds which will be available for sale, and for the protection of this amount we are putting this duty on the importation of yarn. If that is so, the amount of help in both the cases will work out to exactly the same figure. That clearly shows that the bounty system is in no way less efficacious than the system that has been proposed. It has been admitted practically by all that the handloom industry will be hit hard by this proposed duty, while it is very doubtful whether the duty will be in any way useful to the mill industry. The Select Committee say :

"We recommend, therefore, that the Government should be asked to address Local Governments on the subject, desiring them to have special inquiries made and to report on the subject six months after the passage of the Bill into law."

It is very surprising that we are asked to pass a Bill, the effect of which on a very important industry of this country we do not know. Not only that, but we are forced to admit the arguments advanced by the Tariff Board and recommend to the Government that the effect of this duty should be watched for six months It means that we are very doubtful—rather we consider that the handloom industry will be hit hard and therefore we recommend to Government that it is necessary to ask the Local Governments for their opinion and to watch the effect on the handloom industry. If it was so, it was the duty of the Government to place all the materials before this Committee. This matter has been before the Government for a very, very long time. They could have addressed the Local Governments earlier and if the opinions received had been that the handloom industry would not suffer to the extent that the Honourable Members of this House are afraid of, it would have been a very good case for the Government. Unfortunately, Government do not care, for the development of the industries in this country, and I am very sorry to note that the members of the Tariff Board have taken pretty good care not to go into the details of the manufacture of piecegoods in England—Lancashire and Manchester. They have clearly declined to go into that question at all. Why ? They say, "We are not going into this question because the millowners have not asked us to do so." I say, if you are really earnest to find out in what way the textile industry should be protected, it is your duty to go into the details of the working of the Lancashire and Manchester mills. Then, again, as regards the State aid in Japan, they have clearly refused to go into that question, though they had to

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admit that the help given in Japan by the shipping subsidies and other methods was considerable. They declined to analyse that question simply because the textile industry in Japan has no preferential treatment. Rather, they seem to admit that in Japan every industry has a right, has a claim upon the Government for its protection and development. While the members of the Board seem to admit that, India being under a foreign Government, the people of this country have no right, have no claim on this Government for the protection and development of their industries. I would submit that the Tariff Board ought to have gone into the details of this question, and then they would have found why in this country, although we grow cotton ourselves—not only the ordinary cotton but also American cotton, the raw product which is the main part of this industry—why it is that our produce is not cheaper than that of Japan. Again, labour is much cheaper here than in Japan. There ought to be something very, very peculiar to this country if it is not able successfully to compete with Japan, or with England, or with any other countries in this world. Here was a time when Government could have washed off their old sins of killing this industry. But they refused to avail themselves of that opportunity and would not like the idea of developing this industry. What do we find in this Report itself ? It says, because there is unfair competition, therefore we would only go into details as to how far that unfair competition affects the industry The Tariff Board refused clearly to enquire in what way the industry can be developed. I ask, sincerely ask, earnestly ask Government whether or not it is their duty to develop this industry ? Suppose there is no unfair competition from Japan and we find that this industry is not able to compete with the other foreign manufacturers. Is it not the duty of this Government to develop this industry in such a way that it may be able to compete with all foreign countries ? The case does not end there. Unfortunately, situated as we are, this Assembly is powerless and helpless to suggest any means by which this industry can be saved This House cannot force the Government to adopt the recommendations of the Tariff Board, nor can they suggest any other alternative ? On the day when the Bill was introduced, some Honourable Members asked whether they would be allowed to go into the question of duties on piecegoods. The answer was a definite 'no.' That shows clearly that Government have decided that the Lancashire and Manchester mills should not be affected at all. Therefore, I submit in the first place that this Bill does in no way help the mill industry, and if it does, it is to a very, very insignificant extent. At the same time, it affects the handloom industry of this country very adversely. That has been admitted. I submit that the millowners can go on for at least 2 or 3 years at a loss, because they have gained much in the boom period. But may I take the case of the weaver ? What are his resources ? A poor weaver who works from morning to evening gets hardly eight annas a day. And you are taxing him, you are asking him to pay 1½ annas a pound by this duty. The members of the Select Committee, unfortunately, say that there is a likelihood that the prices of the piecegoods that the weavers will manufacture will be a little higher. I fail to understand the reasons for coming to this conclusion. Is it likely, as soon as this duty is raised, the Lancashire people, the Manchester people, the Japanese people, will raise their price of piecegoods also, or there will be more patriotism in the people of this country to purchase the cloth manufactured by these weavers at a higher price ?

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If this is not so, Sir, may I ask what is the material on which they have come to the conclusion that it is likely that the price of the cloth might be raised? I submit, Sir, that there is no case made out for coming to the decision that the price of the cloth manufactured by the weavers will in any way be raised. If that is not so, I would submit that the price of the cloth will be increased by about 2 pice per yard, because, in the calculation they have taken, one pound of yarn is equal to 4 yards. So that will be about one pice and a half per yard. That is a very high increase in the price of the cloth manufactured by the weavers and therefore we should not light-heartedly support the Bill. It has been said that the handloom industry manufactures cloth in this country to the extent of 26 per cent of the total consumption of cloth in this country. I may submit that that is not correct 26 per cent is the percentage of the cloth that is manufactured out of the yarn produced by mills or imported from foreign countries, but there is a large quantity of hand-spun yarn manufactured in this country, and if that is to be taken into consideration, this handloom industry does not only produce 26 per cent. of the total cloth but much more than 30 per cent., and in this way if you hit to a very small extent this industry even then you are hitting it hard. I would submit to Government, if they are really keen enough, why not decide to withdraw this Bill and put in another Bill raising the duty on piecegoods. The cotton millowners are not satisfied with this duty on yarn and I am sure that the spokesman of the cotton mill industry will have to admit that this is a very small measure of help, if at all, and if it is so, should we not stand up as men and ask the Government " If you are not going to give us anything which will really be conducive to the protection of the textile industry in this country, then we shall not have this ". After all how much will they get by the passage of this Bill? According to the figures I have stated they get nothing, but even supposing that they get something it is not so high that they cannot afford to lose it, especially when they find that it is admitted on all hands that the sister industry will be hit hard and when they know that the sister industry is carried on by the poorest people in the country. Certainly the people who carry on the handloom industry have not the same resources. They have not the courage to represent the case to Government. Therefore, I submit that the cotton millowners should stand up and say " We are not going to take this Bill as it hits our fellow countrymen ". If they say so we shall put the Government in the wrong. Let the Government realise once for all that this protection of yarn is in no way a measure which protects the cotton textile industry. If the Government are sincere and consider that the protection of this industry is necessary, let them come up with a Bill for levying a duty on piecegoods. Not a word has been said by the Commerce Member nor any other Government spokesman about the duty on piece-goods? The millowners want it, the country wants it and every Member wants it. Let Government come up with a Bill raising the duty on piecegoods and we shall unanimously support it. With these words I am sorry to say that I have to oppose this motion made by the Commerce Member.

Mr. A. H. Ghuznavi (Dacca Division: Muhammadan Rural): I rise to support my Honourable friend Mr. Neogy's amendment. He comes from the same province and same division as I do. My reasons

for supporting my friend Mr. Neogy are these : It seems that this Bill is the outcome of the clamour of the Bombay millowners and not of the recommendation of the Indian Tariff Board, and I consider it my duty to point out that it is only fair and just that it should be circulated and the opinions of the Provincial Governments obtained, and if that is done I have very little doubt that, barring Bombay, the rest of India would not support the Bill. That it will stifle the handloom industry goes without saying. The Dacca Division in Bengal has a large handloom industry, and its Muslins, its *Dhoties* and its *Sarees* are known all over the world. The Chittagong Division in Bengal has also a large handloom industry, and my friend, Mr. Donovan, will bear me out that the same condition prevails in the Burdwan Division also. Therefore the whole of Bengal is very much interested in the handloom industry, and anything done to injure this handloom industry cannot possibly have our support. The Honourable Member from Bihar and Orissa, Mr. Nilkantha Das, also shares the same view The Punjab, the United Provinces, the Central Provinces, Madras and Assam also think alike. It is, therefore, only fair that the Government should not thrust this Bill on us only because the Bombay millowners want it. It may placate the Bombay millowners, and they may accept it on the prudential consideration that "half a loaf is better than no bread", but they are also evidently not satisfied with this crumb. Why should the rest of India also not have a voice in it ? The millowners may not want it but it is only just and fair that opinions should be elicited and that the Bill should not be thrust on the unwilling people of India to the annihilation of the handloom industry. Bengal is vehemently opposed to this measure as it will affect Bengal more than any other province. My friend Mr. Neogy has quoted chapter and verse and shown how indifferent the millowners are to the interests of Bengal They had their supplies of coal from South Africa, even at a higher price than Bengal offered, which is a sufficient index of their mind. I however mean no quarrel with the millowners of Bombay, but I feel very strongly that justice demands that opinions should be obtained on a measure which is calculated to do harm to millions of poor people if it is passed I am sorry I cannot agree with all the good things that my Honourable friend Mr. Jamnadas Mehta has said yesterday about the Bombay millowners It is true that the Bombay mills have to a certain extent provided the cloth which India requires and restricted the imports from Manchester. But is it seriously contended that their object is to provide cheap clothing to India and not to fill their own pockets ? Sir, this takes me back to the year 1905, when I was known as the wrong Mr. Ghuznavi, because I was against the partition of Bengal. Lord Curzon by a stroke of the pen partitioned Bengal, and we in Bengal as a protest said we would not have any more to do with the Manchester goods and boycotted them. I had the honour of presiding at that boycott meeting held at the Federation ground in Calcutta in July 1905. About a lakh of people were present and we passed a resolution at that meeting that so far as we were concerned we would have nothing to do with the Manchester goods. And we relied on Bombay to supply our requirements. And what was the response from the Bombay people ? You are aware of how we were treated by them. We appealed to them, implored them to come to our rescue with their goods. Well, they

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[Mr. A. H. Ghuznavi.]

did come, but with what end in view? Was it to afford us relief or to profiteer? They raised the price to double or treble the price which had been current in the market. That was the way they made money and that was how they paid back twice over to their shareholders and put tons of money into their own pockets Not content with that they went further They got Japan to send them goods of rough materials and they passed them on to the Bengal market as made in India. (Cries of "Shame".) I have evidence of that. But they did more than that. At that moment their indents on Japan could not be immediately met They therefore bought up all the Japanese stuff in the Indian market, and by tearing off 2 yards out of the piece of 40 yards and making each piece 38 yards instead of 40, marked it down as made in India and sold it at double the price. (Cries of "Shame".) I know that for a fact Sir, so far as Bengal is concerned we will not agree to anything that is likely to destroy home industries. The handloom industry is a great industry of Bengal, and it has to be supported at any cost. There is furthermore another matter. The industry in which Bengal is far more concerned with Japan is the pig-iron industry. I am pretty sure that if this Bill is passed the result will be that the Japanese will retaliate by increasing the duty on pig-iron and that will ruin the Bengal industry. I appeal, Sir, to the House to consider seriously whether we should not vote against the Bill of the Honourable the Commerce Member and vote for the amendment of Mr. Neogy, who only wants the Bill to be circulated and opinions obtained from all the Provinces, as to see whether the handloom industry is going to be affected by it and whether this measure is wanted. If it is the opinion of all the provinces that the handloom will not be affected and the measure is beneficial to us, we shall be only too glad to pass this Bill at the next Session at Delhi.

Mr. Kikabhai Premchand (Bombay: Nominated Non-Official): Sir, I desire to support the Bill proposing to increase the duty on yarn imported into India. I am satisfied from a study of the Report of the Tariff Board and from my own study of the situation—no one can pursue his avocations in Bombay without being brought into intimate contact with the textile industry—that the Indian textile industry *stands badly in need of a further measure of protection, and that this* demand for protection can be justified up to the hilt. Cotton spinning and weaving is our one great indigenous manufacturing enterprise. It is therefore one which merits the close and sympathetic support of the Government and the Legislature. The industry has laboured, and continues to labour, under grievous difficulties. For longer than we like to remember, it was handicapped by the excise duty on cotton cloth woven in Indian mills. I will not develop that point now; *we are grateful*, that the excise has gone. The industry has suffered from the fluctuations in our own exchange and in the exchanges of some of our principal competitors. This is another point which I shall not labour; the effects of all fluctuations in exchange are transitory, and given stability conditions must adjust themselves to the ratio There is no doubt that many mills are suffering from difficulties of their own making—over-capitalisation (though it is not a general practice; many mills have a comparatively low capital); the payment of excessive dividends, non-con-

servative finance, uneconomical management, and a too narrow range in the class of the finished product. That is to say the mill industry is a human organisation, with the defects which belong to our community: improvement must come from within. But when the fullest allowance is given to these factors in the present depression—the variations in the exchange and the need for a better internal organisation—there still remain the basic facts that warrant this demand for protection. They are the refusal of certain competing countries to implement the terms of the Washington Labour Convention, and thereby to obtain a position of privilege in our markets; and the period which must pass before our labour is trained to the habits of industrial efficiency, which will reduce labour costs.

We are in some respects proud of the record of this country in recognising international efforts to raise the status of labour and to improve its working conditions. I think I am correct in stating that India has more promptly accepted the recommendations of the Labour Conferences than any other country in the world, none of us desires to go back on those decisions. On the other hand, we are painfully conscious that our humanitarian course imposes on our major manufacturing industry serious penalties The nature and extent of these are now on official record The Tariff Board after an exhaustive enquiry found that the competing advantage which Japan enjoys in the Indian market as the result of her refusal to implement the terms of the Washington Conference amounts to no less than four per cent.; if a fair allowance for profit is given, as it ought to be given, the advantage is ten per cent. Whilst the special case of Japan has attracted most attention, for reasons known to all of us, this is not the only trade rival which benefits from a refusal to work in terms of the Washington Conference. I say therefore that India has a right, an indefeasible right, to a measure of protection at least equal to the advantage which other countries derive from their lower labour standard.

Much attention is devoted in the Report of the Tariff Board to the labour costs in the Bombay mills. One cause of this however is not sufficiently developed in the Report. After all, the Bombay millhand was an agriculturist, he is an agriculturist and he will continue to be an agriculturist. We cannot expect from the agriculturist who enters the mill for varying periods, interrupted by long spells of rest or work in his village, the same standard of regularity in attendance and technical skill as is manifested by the regular artisan. I am aware that the process of converting these intermittent agriculturists into regular craftsmen will be slow; it needs not only the passage of time, but better housing and the improvement of the amenities of life in our cities. During this process the textile mills have a right to a fair measure of protection against countries with a trained and permanent corps of craftsmen to draw upon. For these reasons, Sir, I hold very strongly that the Indian industry is entitled to a further measure of protection. The only question, Sir, to my mind is that of ways and means—how can this protection be given with the greatest advantage to the industry and the least burden to the consumer? There are certain countries whose products compete directly with the products of the Indian textile mills. In many of those countries the products in question are produced under wage conditions below the standard of the Washington Convention and below

[Mr. Kikabhai Premchand.]

the standard that has been accepted by India. In my opinion, Sir, it would be quite equitable to impose an all round increase in the import duty *on cloth also* of at least four per cent. on the manufacture of those countries who have not abided by the Washington Convention. True, this would mean Imperial preference, but I would not mind it. It has been definitely stated by the millowners that cotton piecegoods of British manufacture do not compete with the Bombay industry. I therefore see no justification for imposing on the consumer a higher charge for these non-competitive goods ; they *shall* continue to be charged at the eleven per cent. revenue duty now in force and *shall* be exempt from this higher duty

I am quite aware, Sir, that in making this suggestion I shall be bringing upon myself the wrath of certain elements in this Assembly. But I would urge with all emphasis that this issue should be determined not by prejudices, but by cold economic facts. There is no case for imposing on the community a higher cost for non-competing cloths A tariff is a tax. We are justified in asking the community to pay this tax on competing cloths for the larger national interests involved ; we are not justified in taxing it on non-competing cloths beyond the revenue tariff. Nor am I frightened by the bogey of Imperial preference. (*Mr. Jamnadas M. Mehta* : " Bravo ! ") After all we are part and parcel of the Commonwealth (Hear, hear) and as I hope it is the general desire of the Honourable Members of this House to see that we shall be an autonomous Dominion ourselves (*An Honourable Member* : " Oh, yes "), it is to our interest to make the Commonwealth great and strong. I do not wish to take up the time of the House any longer. I only wish to impress upon the Government that the duty proposed on yarn would not by itself afford adequate relief to the industry and I do hope they will consider favourably the suggestion that a duty at 4 per cent. on cloth manufactured by those countries who have not given effect to the terms of the Washington Convention is desirable.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) · Sir, I thank you for giving me the chance to say a few words on this very important measure before the House. I have listened, Sir, very patiently to the speech that was delivered rather read, by the last speaker. I was listening to it very patiently, and until he came almost to the last page, when he gave us some new ideas—or shall I say old bogeys ?—, I did not, unfortunately for my lack of sharpness, perceive any new argument or any new suggestions contained in the greater portion of that paper. Leaving that aside, I listened, Sir, with very great attention to the speech that was delivered a little while ago, as indeed I always listen to speeches delivered at any time by the Honourable Leader of this House. He wanted us clearly to understand—and I hope I have understood very clearly the meaning of his words he wanted us clearly to understand that voting for the motion of Mr Neogy to circulate the Bill for eliciting opinion would mean not merely circulation but rejection ; and he wanted us to realize that the passing of that amendment, being tantamount to rejection, would practically make us responsible, *i.e*, those who vote for the amendment—responsible for not affording to the millowners of Bombay the aid which they are supposed to need badly. Sir, I hope I have pretty clearly

paraphrased the warning given to us by Sir Basil Blackett. I am not afraid, Sir, of the implication that sending the Bill for circulation might mean practically rejecting it ; but may I, in all humility, ask on whom rests the responsibility for putting forth a Bill which we cannot accept, which we have perforce to send round for circulation, so that we may get more opinions about it before accepting it ? It is a Government Bill, and the Government ought to have put before us a Bill on which the bulk of us, especially back benchers like me, who were not mighty enough to be placed on the Select Committee, might have the views of at least a good majority of the Select Committee I tried to follow, Sir, their opinions. And what are they ? They are as varied as the colours of the sun-beam : and if therefore we say that we are unable to understand all these conflicting opinions of the mighty experts, that we would therefore wish to get more opinion from others, probably bigger experts (or non-experts that I would always prefer), then certainly the responsibility for producing the Bill and placing it before the House in a form which is full of such conflicting views, rests upon the Government, not upon our shoulders I did not produce the Bill, nor Mr. Neogy, for he too like me was not on the Select Committee. Therefore I hope, with regard to Sir Basil Blackett's clear warning that if we vote for sending this Bill for circulation or opinion, we shall practically reject the passing of this Bill, that he will clearly realize that the responsibility will lie on those who have produced this Bill, not on those who are unable to comprehend the Bill even with all the very eloquent utterances on both sides of the House by various people.

Now, I turn to my very eloquent friend Mr Chetty. Of course, naturally, being a signatory, I suppose to the majority report, he has taken great pains ; and with his usual eloquence and usual rhetoric, he has tried to explain many things that we already knew, such as how much yarn is consumed by the handloom industry, how much by the mills and son on, and he came to the conclusion that the financial weight that may be imposed upon the handloom industry is almost negligible. Sir, my friend, Mr Chetty is a rich man, and I, as a Brahmin, wish him to become richer still A rich man does not know how the poor man suffers It is not his fault Just to-day we had an example. The Finance Member is very anxious that we should consider this matter as very urgent ; he said that the problem of the mill-owners, of 300 millowners, is urgent ; and if we now circulate this for opinion, we shall be failing in our duty. I wish, Sir, that Sir George Rainy had similarly told us that the distress of 2,000 poor fellows who are to be turned out of their homes with their families is as urgent as the distress of the 300 rich people whose interests Sir Basil Blackett wants to safeguard

Mr. President The Honourable Member himself did not consider it urgent ; otherwise he would have raised the question in time

Mr. M. K. Acharya : I am commenting, Sir, on the opinion put upon the amendment by Sir Basil Blackett, not on your decision. However, Sir, I am passing on. I was just about to say that I am a philsopher ; and I know the Biblical proverb ·

"Unto him that hath, more shall be given ; and from him that hath not, shall be taken away even that which he hath "

[Mr. M. K. Acharya.]

I therefore do not complain, Sir, about the ways of the Government. It is always the same. But I cannot understand Mr. Chetty's argument that the poor handloom fellows will not be affected. I would like to have the opinion of the poor rather than the opinion of the rich ; and I wish, Sir, that Mr. Chetty had listened carefully to the very very good speech that was delivered from this side of the House on behalf of the handloom weaver. I think there were many more arguments, in his speech than in Mr. Chetty's. For example, one argument in his speech was this ; I do want to repeat it in detail—the question is not how much yarn the handloom weaver consumes or turns out ; the question is what is the price of the cloth that he produces, and what would be the competition between hand-woven cloth and the mill-made cloth, whether made in India or imported from elsewhere. That is one most important point ; not how much yarn, or cotton is consumed ; the whole question is whether the cloth turned out from the handlooms will get a fair selling price in the market. Sir, it is admitted—admitted in this Report—that there is going to be some kind of infliction on the handloom weaver. Nobody has denied it. Now, the whole question is this : you are here penalising the handloom weaver to some extent. Nobody denies it. Even Mr. Chetty does not deny it ; he dare not deny it ; he says it is negligible. The question is whom are you going to favour ? Are you going to favour really the hard pressed mill industry of Bombay ? There is Sir Purshotamdas' opinion, and I think he knows the feelings of the millowners of Bombay far better than anybody else. He says :

"The protection offered by the Bill therefore becomes more of an eye-wash than a reality unless an attempt is made to import coarse counts."

You are here penalising somebody, and you are benefiting nobody. This wonderful Bill favours nobody but does hurt somebody. Sir Basil Blackett threatens us that if we put it off for opinion, the responsibility will be ours. The responsibility for producing this wonderful Bill is not ours. Sir, I cannot understand the argument, because I am a simple non-official and am not an official expert ! I contend that the responsibility is entirely on the shoulders of the Government. Here the evidence before us shows that the Government have not carried out the recommendations of the Tariff Board. All that has been dealt with in detail by others. Whatever may be the cause, here we have a Bill upon which there is not that amount of unanimity of opinion, even among those who consider that it should be passed immediately. And surely as somebody else has pointed out, the millowners of Bombay have broad enough shoulders to carry their weight ; even if they are not given this shadowy protection. Give them real help. What is the use of giving some shadowy help to a set of people and for that hurting others ? This Bill seems to be therefore neither fish, flesh nor good red herring. I cannot understand why we should pass this. The straightforward course would have been—but Governments are not expected to take straightforward courses—that Government should have tackled the whole problem in a very much more brave, courageous and honest fashion. If Japan was competing in a manner not quite fair, Japan ought to be penalised, whatever may be the consequences. If other countries are competing with India, if there is genuine desire

on the part of the Government of India to protect the native industries of India, the handloom or the mill industry, there ought to be a real kind of protection given by imposing heavy duties upon all foreign cloth imported into India. If we had a Government of our own we should have done it. Other Governments have done the same thing in other countries, because they love their own industries, their own trades, *their own workmen, better than of course a foreign Government can* love and cherish the industries and workmen of foreign country. However, Sir, there is no real remedy ; there is the evil, we admit. I for one, Sir, have nothing to say against the Bombay millowners. If they raised their prices, it was part of their human nature Who has not done it ? What had the East India Company done in days of yore ? What has every company done ? That is the business morality of every merchant. Of course a philosopher like me or like Professor Ruthnaswamy may not like it. But the business ethics of merchants and our academical ethics are quite different. The whole ethics of the British nation has been the ethics of the business man, of the profiteer. Therefore there is no use of talking high ethics to the British Government either here or there. I repeat I have nothing to say against the Bombay millowners. Poor fellows, they had a good day ; they did not make good use of it ! They are now in trouble, in hot water I would personally like to help the Bombay millowners, if I can without hurting anybody else. But this Bill does not help them, does not enable them to receive any help, without hurting the poor cottage handloom weaver. Therefore, Sir, I appeal to the genius of the Government Benches, to Sir George Rainy and Sir Basil Blackett, to kindly give us a better Bill which will really help the millowners of Bombay without hurting the handloom weavers of India. I join in the chorus of all who have sung that the handloom industry alone is in India a national industry. I am to-day almost in a mood to accept the Gandhian doctrine that all huge machinery is an evil. I wish that this doctrine will spread and place machine-made things at a discount, because I feel how the machineman, the millowner, will readily make use of the human element for his purposes so long as it suits him and pays him amply , but if he can, by getting rid of his human labourers, and substituting machinery instead, get the work for two annas less, then it does not cause him the slightest pang how many are thrown out of work. Whether 2,000 or 3,000 and 4,000 men, they must go.

" Theirs not to reason why,
Theirs not to make reply,
Theirs but to do and die."

That is the Capitalists' ethics for whose help indeed this Bill is before us.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. D. V. Belvi (Bombay Southern Division Non-Muhammadan Rural) : Sir, I do not think that I should give a silent vote either in favour of the Bill or against it. But I may tell the House that I am not

[Mr. D. V. Belvi.]

a millowner nor am I a handloom weaver. I come from the southern part of the Bombay Presidency in which there are not many cotton mills, but there are a good many handloom weavers and some of my voters happen to be handloom weavers. So it is my duty to see that their interests are safeguarded Now, I find it rather difficult to understand the position of Government. Government has placed before us two Tariff Bills, one of which only is now under consideration As soon as we have finished the consideration of this Bill, I believe that the second Bill will also be taken up I have read the Report of the Select Committee on that Bill and I find from it that Government is in a position to forego a revenue of 85 lakhs of rupees a year. The Government proposal there seems to be to remit the import duties on certain machinery and stores It is very difficult for me to understand the position of Government If Government is in a position to forego an annual revenue of 85 lakhs, why should not Government give a bounty to these millowners who are crying for relief? That is a very difficult question for me to solve. My second doubt is that we are told here that the handloom weavers will be mulcted to the tune of 12 lakhs a year. My Honourable friend Mr. Shanmukham Chetty was good enough to tell us that the loss of the handloom weavers will be the gain to that extent of the millowners. Am I to understand that the millowners are crying here for a crumb of 12 lakhs only a year? It is said that 12 lakhs is not much in the case of these handloom weavers It is a mere flea-bite in their case Is it not a flea-bite in the case of the Bombay millowners who are applying for assistance in their difficulties? These are the two points on which I should like to be enlightened by the Honourable Member who has introduced this Bill Why should not a bounty be given to the millowners out of the 85 lakhs which we get annually by the duties on importation of machinery? Where is the need of abolishing the import duties? Are we to abolish these import duties for the benefit of the manufacturers of machinery in England? Who wants this abolition of import duties on machinery and stores? We know that there is a very strong agitation in favour of the millowners It is true that the millowners are suffering terribly. There is no doubt on that point. I do not agree with the heavy indictment that was preferred against the millowners of Bombay by some of my Honourable friends There may be sins of omission and commission on their part but we have to consider their industry which happens to be a very important industry in the country. If they have got a legitimate grievance and if that grievance can be redressed, it should be redressed by this Legislature. I find it difficult to understand the new habit which Government has unfortunately and dangerously for this country recently contracted. Government appoints committees, Government appoints commissions and Tariff Boards, and spends lakhs of rupees on them. These bodies go round the country, hold inquiries and submit their reports to the Government, and when their recommendations are made, Government quietly sets aside their recommendations and proceeds with its own ideas I find that the Government of India was pleased to appoint the Skeen Committee They spent a good deal of money on that Committee. The Committee made certain recommendations, but the other day I found that Government opposed all those recommendations and did so successfully in another place. When the Resolution comes up here

for discussion on the 13th instant, I do not know how it may fare. I find the same thing here. Government appointed the Tariff Board and they have made a report. They have suggested a remedy and now Government for its own purposes has set aside the recommendations of the Board and has proceeded to legislate after its own fashion. It is very difficult for some of the Members of this Legislature to give their votes in this predicament. We are told by the Honourable the Finance Member that if this Bill is rejected or if this dilatory motion of Mr. Neogy is passed, the responsibility will rest upon our shoulders. That is an argument to which my friend Mr Acharya has given a sufficient answer. I do not think I should repeat his arguments. It is not we who are to blame. We do not draft these legislative measures Government has got at its disposal highly paid officers whose business it is to draft Bills. Government has got in its custody all the necessary material. It should draft Bills in time ; the Bills should be published for the information of the public. Public opinion should be invited and if it be necessary to consult Provincial Governments, that should be done in time. But what do we generally find ? Without resort to any of these salutary measures, all of a sudden Bills are sprung upon this Legislature and if we oppose them we are considered to be bad fellows. We are dubbed as irreconcilables. It is not out of cussedness that we sometimes oppose these Bills More often than not we oppose them because sufficient time is not given to us to consult our constituents and to understand what the opinions of the various Local Governments are. Very often sufficient time is not given to us to consider these measures in detail. As a matter of form, every Bill is referred to a Select Committee. The Select Committee meets once or twice and it presents to us a report. Sometimes we find that the report is unanimous, and sometimes we find that there are divergent opinions Now, take the case of the Bill which is under consideration. How is it possible for a man like me to follow the Report of the Select Committee ? I find that men of equal authority are ranged on opposite sides I find that men like Sir Purshotamdas Thakurdas, a gentleman whom I have known for many years and who was my colleague for some years in the Bombay Council, says that this Bill is a mere eye-wash. Now, take the case of another friend, Raja Ghazanfar Ali Khan, who is a Muhammadan gentleman of light and leading. He says that this Bill is absolutely worthless and his opinion which is given in two or three lines is to the effect that this Bill should not be proceeded with Take again the case of another gentleman, Mr Jamnadas Mehta or Mr. Duraiswamy Aiyangar Both of them say that this Bill is absolutely worthless and it should be dropped at once. It is thus very difficult for men like me to form their opinions We have got very little material before us and there is no time for us to look into all the literature that is available I submit that in view of the fact that sufficient time has not been given to the country and to the Legislature for the consideration of this measure, the amendment brought forward by Mr. Neogy should be passed by this House I do not support it simply because I want to delay the passage of this Bill If we receive the opinions of Local Governments in favour of this Bill, we may pass this measure in the next Delhi Session. The millowners will have to suffer very little during this period of two or three months because we are now told that the millowners are to get only 12 lakhs of rupees a year. This 12 lakhs would be the loss of the handloom weavers and whatever the loss is of the handloom weavers will be the gain of the

[Mr. D. V. Belvi]

millowners. I do not believe that the Bombay millowners are so very poor. I have known some of them. I know how many motor cars they each keep, how many bungalows they own and I know also the amount of income-tax and super-tax they pay. They are not so very poor as these poor handloom weavers are. Why should there be so much hubbub about only 12 lakhs a year ? If these two points are cleared up, I shall see my way to make up my mind as to whether I should vote in favour of the measure or against it. At present it seems to me that I shall be doing my duty if I vote in favour of Mr. Neogy's amendment and against the motion of the Honourable Member in charge of the Bill.

Diwan Chaman Lall : Sir, it is indeed with diffidence that I speak on this motion. I do not want the impression to go abroad that the attitude that we are adopting in regard to this Bill is one of mere delay, delay in order that we should wreck this Bill or the mill industry. Among my friends who have spoken on this side of the House, some waxed very tragic like Mr. Shanmukham Chetty about the woes of this industry ; others like my friend Mr. Rahimtoola waxed very patriotic, still others like Mr Jamnadas Mehta became quite romantic, I may say that the latter waxed in turn both patriotic, tragic and romantic about this industry. He said that as far as this industry is concerned, " we " have a great affection for it. The reason why I want to oppose this Bill is because I have no affection for this industry as it is constituted. (*An Honourable Member* : " Shame.") My Honourable friend says " Shame " When I relate before you the facts connected with this industry he will perhaps cry shame on the millowners and not upon us who are opposed to this Bill. May I call the attention of my friend Mr Jamnadas Mehta to what has actually been said by a Union which gave evidence before the Tariff Board ? The Union was the Girni Kamgar Textile Union of Bombay, with which neither my friend Mr. Joshi nor I are connected. They said that the millowners have made no efforts to increase the efficiency of the mill hands They say :

" The wide powers of dismissals, fines, leave giving, etc., though technically in the hands of the higher authorities such as the managers, weaving and spinning masters, are in practice exercised by the head jobbers and jobbers and are in many cases abused by them."

Are these the people who have an affection for this industry ?

" It is notorious that several jobbers, head jobbers and the women overseers called the " naikins " in the Winding and Reeling departments receive bribes or *dasturi* from the operatives at the time of employment and even during the continuance of their service The rate of the *dasturi* varies from Re 1 to Rs 5 per month. Instead of taking prompt steps to stop the practice, the Agent had the audacity to tell the Union that such practice of taking bribes prevailed in all the mills and that, if he were to take notice of it and adopt measures to stop it, he would soon require to close down his mill."

Then there is the question of dismissals which take place summarily without any regard to the well-being of the workers—and it is said in the report that the dismissals that take place are the normal feature of the working of these mills. Am I to take it that these workers, who are really the producers of the wealth of this industry, but who are thus abominably treated have an affection for this industry ? Am I to take it that those of us who want to see their condition bettered have an affection for this industry ? What sort of affection has my Honourable friend ? He says

that he is a "devoted servant" of this industry. Far better would it be if my Honourable friend were a devoted servant of humanity instead of being a "devoted servant" of any particular industry. Sir, the question that arises is, whether you are going to protect this industry at the expense of cognate industries, of workers and of consumers. I think my friend Mr. Rahimtoola used the expression that some of us wanted to kill the mill industry. He went beyond this and said that was a national industry. At 20 minutes past 11, I put a question to him whether it was a national industry, and at 5 to 12 when he sat down, although he had promised to give me a reply he did not May I remind Mr Rahimtula and Mr. Chetty who are so anxious to regard this industry as a national industry of a sentence, in Horace, "*Dulce et decorun est pro patria mori*"—Better for them, more proper for them, to die for their nation than to die for an industry which they consider to be merely national. If the industry is not in a better position to claim the support of the opposition and of public men in this country except by arguments of this nature, I say, Sir, that that industry does not deserve the support that it asks us to give it. On the contrary, I have facts and figures here to show that far from helping the poverty-stricken workers, this industry has been drawing enormous profits from 1917—1922, profits, I compute, ranging up to 178 per cent. I am sorry I made that mistake The profits are not *all* the profits These are but the dividends that have been distributed to the shareholders during the years 1917—1922. 178 per cent of the total capital invested in this industry has been distributed in dividends to the shareholders of this industry. Why did not this industry, in this boom period, set apart a portion of its profits in order that it might meet a period of depression? It was bound to follow what other industries have done. Take the jute industry of Calcutta. During the war period this industry made enormous profits. Then came the period after the war in 1921, when that industry discovered that it had produced goods 25 per cent. over and above the limit required for proper consumption. and the industry was naturally in a particularly bad way What did those who control that industry do? They immediately organised scientifically, and the result was that within a very short period they were in a position to pay equally good dividends after the war as they paid during the war.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan) Jute is a monopoly, cotton is not.

Diwan Chaman Lall: My friend says that jute is a monopoly Is he not aware that cotton is practically a monopoly for consumption purposes in India?

Sir Hari Singh Gour: No.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber Indian Commerce): Absolutely not

Diwan Chaman Lall: Let my friend look at the import and export figures. He will have a chance of replying to my arguments when he speaks. The question that arises is this. Why did not this industry do what the other industry did? I will tell you the reason why it did not do so. They were more concerned with their profits. They were more concerned with taking as much as they could from their shares; they were more concerned with getting rich quickly. That was the real reason, and they know it perfectly well. It is no good coming to us

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and blowing hot and cold and saying, "We are nationalists; we are patriots; pray, for Heaven's sake, support us." The jute industry did not come with a begging bowl at the time of its need and ask us to support it in its period of depression. Why should the cotton industry now come before us and ask for protection? I see no reason for their so doing, and I have not been able to find any reason except merely that they have been profligates It is their financial profligacy that has brought them to their present position, and the result is—what they are asking us to do. They are asking us to impose a burden on the handloom industry, on the average consumer of coarse cloth in this country, in order that they may tide over this period of depression Will my learned friends, who are representing the millowners in this House, give me a guarantee that they will not, as a result of this duty, be putting up the price of coarse yarn? Do Honourable Members know that the actual amount of coarse yarn which is being used in this country is something like 260 million pounds? The result of this duty will be, not as my friend Mr. Chetty put it, merely a burden of 11 or 12 lakhs. The real burden will be on the coarser yarn, the price of which is bound to go up under these circumstances by at least one anna per pound. One anna per pound on 260 million pounds works out to about 1⅝ crores. Where is that going to come from? Who is going to pay it? The average consumer of coarse yarn is going to pay that sum. And who is he? The poorest of the poor. That aspect of the question has not been mentioned in this House, because, if it had been mentioned, the reply would have been there, namely, that you are going to penalise the user of coarser yarn, penalise the poor man in the country. Who is there who wants to help the poor man of this country who is yet prepared to accept that argument? I say, Sir, not one of these millowners—I should be very glad if they do it—not one of the millowners will be willing to give us a guarantee that he will not put up the price of coarse yarn. They cannot do it. In fact, all their plans are working on these lines, namely, that they are not going to get very great advantages out of the present duty as far as 31s. to 40s. are concerned, but that they will get a tremendous advantage by imposing an extra anna per pound on the coarser yarn which is consumed in this country.

Sir, in these circumstances, I want to know how it is possible for any man to help this indutsry at the expense of the poor consumer of this country. How is it, again, possible for us to help this industry at the expense of the handloom industry? There are exponents of the creed which is being put forward on behalf of the millowners, who say that the handloom industry is not going to be hit hard On the other hand, I have my Honourable friend, Mr. Rahimtulla, who spoke about the protection of cotton. He was really wanting to protect the wool industry. His arguments were decidedly woolly (Laughter). He said that he agrees with the argument that the handloom industry is going to be hit very hard. If the handloom industry is going to be hit very hard, should you not devise some other means of helping the mill industry? Although you could have devised your means in your boom period, you did not do so, and you now call yourself a national industry. Precious little did you care for the nation at the time of its need. My learned friend wanted to know how it is possible for them to get something more out of the Government. What was my friend, and what

were his colleagues doing at the time of political stress in this country? Did they join hands, did they join forces with the popular parties in this country to coerce the Government into granting the rights that are the birthrights of this nation? No. If they had joned the national forces, they would have found the method of doing it. They would have learnt that unitedly you can demand from this Government your rights, if you have any rights, but by begging from this Government all that you will get is not protection that you require but a great deal of humiliation which you are experiencing to-day in this House and in the country. Take the handloom industry. The Assam Government says—the note presented by the Assam Government says :

"I do not think the handloom industry competes with the mill industry to any extent. On the other hand, it is the mill industry that tries to throttle the handloom industry by fair or unfair means"

Here is the verdict of the Assam Government. The agricultural population of Assam uses the handloom industry produce to a great extent, and that Government says that even now the mill industry is trying by fair and unfair means to throttle the handloom industry. Are you going to give another advantage to this industry and say, "Although you are already using fair and unfair means to throttle the handloom industry, we shall go beyond that and we shall give you protection in order that you may kill that industry outright" The Punjab Government again—another agricultural province—what do they say? They say :

"As regards question 113, the object of the proposed increase in duty on imported yarn appears to be to give a better price to the Indian millowner. If it does this, the cost of production of handloom articles will necessarily increase. It is possible that the extra cost would be shared by the consumer, but the demand for cloth in India is characterised by one feature, *viz.*, it is a demand by a poor population for a cheap article. It seems therefore to be inevitable, if the price of yarn rises, that the demand for the handloom product will decline."

I need not quote any more extracts from the evidence that was tendered before the Tariff Board, but I think those two extracts are quite sufficient to indicate the fact that the handloom industry is going to suffer, and to suffer to an extent whch we cannot realise at the present moment. Therefore, as I suggested in my minute of dissent, we cannot be parties to what I consider to be an act of vandalism against the handloom industry

Now, Sir, the question does arise as to why this industry has been in such a parlous state. Take the case of Japan Japan imports its cotton, it has to pay freight from the importing country. It re-exports the goods which it produces, and it is said that the reason why Japan can compete favourably with countries like India is because the labour conditions in Japan are very much worse than labour conditions in India. A great deal has been made of the Washington Convention. It is said therein that night work by women has to be prohibited, and my friends fix upon that and say that because in Japan there is a double shift system and women work at night, therefore it gives a very unfair advantage to Japan. But do my friends realise that the wages of women workers in Japan even to-day are more than the wages paid to male hands in the mill industry in Bombay? They have no knowledge of that. If that is

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the position, how is it a charge against that country that that industry is competing unfairly with the Indian industry because of the labour conditions in that country? I admit, and I condemn the horrible condition of the workers in Japan I admit that their condition is deplorable. But it is to be concluded that the condition of the workers in this country is not deplorable but that they are leading serene lives of cerulean happiness? Every one of the millowners, every one of the supporters of the millowenrs knows that the mill hands in Bombay are leading the most miserable lives that any human being can lead They know it perfectly well, but they do not want to discuss that question merely because it is not relevant to the issue as far as their own arguments are concerned. But as far as our arguments are concerned, it is the one issue that is really relevant. Now, Sir, let me take the question of Lancashire. There we have an industry in which the workers are fairly highly paid I have an extract in my hand from a report regarding India and Piece-goods—"Lancashire Cotton Outlook":

"There is one handicap to British industry in competing with the rivals which is always in evidence, the enormous increase in taxation both Imperial and local An illustration of what this means to cotton was given by Mr. Dewhurst to the Shareholders of Williams Deacon's when he quoted the annual report of the Oldham Master Cotton Spinners' Association to the effect that for a typical mill in the Oldham district the actual percentage increase in cost over 1914 of one pound of weight of yarn was 174 per cent. for local rates, 277 per cent for income tax, and 640 per cent. for health, pensions, and unemployment insurance"

Even in Japan the mills have a system of health insurance which you do not have in Bombay, and here in Lancashire they have been paying 640 per cent. more than the 1914 rates per pound of yarn because of health insurance, unemployment insurance and pensions. Those charges our millowaners do not have to pay; they do not pay those charges, and yet they are not in a position—they, who use the cotton produced in this country, they who pay practically the cheapest wages that are paid anywhere in the world—they are not in a position to compete with Japan or with China. I am really surprised that they should have brought this industry to this sorry plight. They have only themselves to blame for it. Their system of management—my Honourable friends will pardon me for referring to it, I do not want to refer to it with any bitterness, but I do want to make this point that their system of management has been faulty—let me put it at the lowest and say it has been faulty. (Hear, hear.) The managing agents—they are themselves interested often in the selling agencies. They take their little bit of profit from the selling agencies. They are often interested in the insurance companies with which they insure their mills, and in some cases—I have got a statement here—in some cases they will insure with companies which pay the largest rebates to the managing agents. Cloth is sold through agencies in which, as I have already said, the managing agents are interested; and this is a point which is not well worth making, but nevertheless there it is, the directorates are merely the cliques of managing agents The result is that this industry has been handed down from father to son as a heritage without a scientific outlook. In many cases this industry has been run upon an unscientific basis of finance and today it naturally finds itself in this difficulty. The report of the Tariff

Board says if they had only conserved the great profits that they made in the boom period they would not have been faced with this difficulty. They say that the profits from 1919 to 1922 inclusive were 40.1 per cent., 35.2 per cent. and 16.4 per cent. These are the profits. I know that my Honourable friend, Sir Victor Sassoon will get up, add up all the profits for the various years, he will then divide the total by so many years and he will say the result is 8 per cent., and 8 per cent. is a very small return for this industry. No. The point I want to make is this, that the total percentages, as I have worked them out, came to over 178 per cent. is for but a few years. These profits represent practically 1¾ of the total capital invested in this industry. If they had preserved these profits they would not have been in their present plight. Why should they come now on the plea that it is a national industry—a plea that they cannot substantiate—and ask the nation to support them. I would consider it a national industry if it were an industry in the hands of the State working for the people of this country—I consider it to be an anti-national industry because it is working for the benefit of the few mill-owners of Bombay and Ahmedabad. My friend Mr. Jamnadas stated that practically the whole of this industry has supported this demand for protection. He knows perfectly well that it is not so What has actually happened is this. Ahmedabad and Bombay have been very hard hit, not the upcountry mills. I am indebted for an extract I shall presently read to Sir George Rainy regarding the Delhi Cloth and General Mills. There is a statement in the Tariff Board's report of last year that these Mills paid 35 per cent. in dividends. There is the fact staring us in the face that these upcountry mills are in a prosperous condition, that they were not so badly hit as Bombay and Ahmedabad. Even in Madras there is no urgent demand for protection (*Sir Hari Singh Gour* · " What mills have you got in Madras ?) " I am simply surprised at Sir Hari Singh Gour. (Laughter) This is not the first time that he has surprised me. (Loud laughter.) Has he read the Tariff Board's Report ? If he has, he will no doubt have seen what sort of mills there are in Madras. Now, the report of the Delhi Cloth and General Mills says this : " The directors apprehended a *gloomy future for the industry*, if immediate relief was not given to it by the Government ". After recording their appreciation of the highly valuable services of Mr. So and So the directors declare a dividend free of income-tax of Rs. 45 per cent per annum ! (Laughter). As I said, this particular industry has been hit most in Ahmedabad and Bombay. When my friend Mr Jamnadas makes the statement that there is a unanimous demand for the support that is being given to the industry, I would remind my friend Mr. Jamnadas of what the Tariff Board Report says. They say that they examined three out of the large group of upper Indian mills and they found that the costs of production were not placed before them. Of most of the evidence that was taken in this case, the emphasis that was laid in regard to protection came from Bombay and Ahmedabad. That is a patent fact. Nobody can deny it. Ahmedabad and Bombay are the two centres of cotton gambling and financial profligacy. These are the two centres that have been hit hard

Now, Sir, let me refer for a minute to the question of the condition of the workers in this industry. What have the millowners done for this industry ? What is the state of literacy ? Is it not a fact that they

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have done next to nothing to improve the literacy of the workers in the industry? Is it not a fact, when they complain about the inefficiency of the workers, that they took practically no steps to increase the efficiency of the workers? Even the Tariff Board says that they wished that the millowners had taken the necessary steps in the boom period to improve efficiency They regret that in the period of depression they are not in a position to take those steps. The reply of the millowners is that they have done all they could for improving the efficiency of the workers. It is for them to eat the humble pie now and admit that most of their trouble is due to the inefficiency of the workers. How can you have efficiency in the workers if the condition of these workers is as bad as has been painted in the official reports from the Labour Office in Bombay? The Labour Office has stated that the condition of these workers is in the highest degree miserable. After considering 2,473 working class budgets they say that no less than 56 per cent. of the workers in Bombay subsist on food the quality of which did not reach the prison standard, the standard which is prescribed by Government for ordinary criminals in His Majesty's prisons. The general conclusion is that industrial workers in Bombay consumed a diet inferior to that prescribed by the Bombay Jail Manual. 96 per cent. of the families in Bombay were living in over crowded single rooms and 47 per cent. of the families in Bombay were in debt Why pride yourselves on this so-called national industry?` These are the signs of " affection " these industrialists have for the 376,000 workers living on this miserable diet! I shall not refer to the question of hours of work or the question of wages We know that the average wage that is given in Bombay to these workers is Rs. 30-10-1. We also know that it leaves practically no margin for these workers for any of the what I should call ordinary necessities of life barring food and rent and clothing. If these are the workers who are going to be forced under this new scheme that is being propounded, namely, that Indian workers in Bombay should work not two looms but four looms, then I say you are crying for the moon. My Honourable friend Sir Victor Sassoon knows perfectly well that recently when he tried to put that into force in Bombay there was a very serious strike and 20,000 workers marched out of his mills Here is a telegram I have received from Bombay:

"Textile workers threatened 18 per cent wage cut Three loom device without improved materials or labour saving appliances"

You are asking the men who are working under these miserable conditions to put in more work. I say you are crying for the moon. As I understand it the workers in Madras work one loom a day. In the United States of America they work from 9 to 12 looms a day. In Lancashire they work from 5 to 6. I have no hesitation in saying that the first thing you must do is to make the workers more efficient but at the same time I want the millowners to realise that it is primarily their duty to see that the workers are efficient. It is their duty to see that the workers get more food to eat, more clothing to wear, that they are better housed than they are at present. Lady Chattarjee in her book refers to a case in Bombay where she discovered in a room 16 by 12, 30 people, men and women in a precarious state of health. Is that humane treatment for the workers. If

you want protection for your industry, your primary duty is to protect the workers who are engaged in your industry. Your primary duty is to see that the consumers in this country are not penalised at the expense of the millowners.

I hope you will pardon me if I refer to another little matter in regard to the imposition of this burden upon the average consumer in this country. It has apparently been the policy of Government in this country to go on increasing taxation not by direct means but by indirect means. The method of indirect taxation is such that it hits the very poorest of the poor in this country. The present position, as I take it, in regard to indirect taxation in 1924-25 is that 63 per cent. of our total taxation was indirect, 24 per cent. land and 13 per cent. only direct taxation. If you want to tax this country, the poor man in this country, tax him in an intelligent way, in an honest way, in an equitable way but do not go on imposing burdens upon him merely because at the present moment your millowners are crying for what I may call unemployment insurance (cheers). The millowners fear that they will be presently unemployed and therefore they come to us and ask us to insure them against unemployment. When we ask for unemployment insurance for the workers what reply do we get ? We get the reply that the matter is still under the consideration of the Government of India. Now, Sir, there is no doubt about it, and we have evidence of it, that in the past too the mill industry has been responsible for a great deal of unemployment in the handloom industry. For example, in textile, the 1911 report records a decrease in the number of textile workers by 6 per cent. in the preceding 10 years despite the extension of textile manufacture in India. That is a fact to which I want to draw the attention of Honourable Members. Why has there been a decrease of 6 per cent. during that decade in spite of an increase in textile manufactures in this country ? The reason Sir, and it is stated here, is that it is due " to the almost complete extinction of cotton spinning by hand ". That is the reason for it And we have the evidence of the Tariff Board itself that the result of the imposition of this duty will be a burden upon the handloom industry. We have seen how the mill industry has worked in order to extinguish practically cotton spinning in this country by hand. The result of this duty will be not only to extinguish cotton spinning which is already practically extinguished, but also the cotton weaving industry by hand which is an industry in which hundreds of thousands are employed. This industry will be severely affected. Are we then going to support this measure in spite of the disadvantages that one can see accruing, accruing certainly not to the millowners but to the average man in the street ? And shall we, who have come in here on the ticket that we shall protect the interest of the man in the street, be parties to the passing of this measure ? Under no circumstances can we be parties to such a measure I have not the slightest doubt, as I have indicated in my minute of dissent, that I would myself be a party to the discovery of a scientific system of protection, not only for this industry but for all industries, provided two things are made clear, first, that the prosperity of the industry will react favourably upon the prosperity of the workers in the industry, and secondly, that no undue burden is placed upon the consumers of this country ; and further, I may add, if it is also made clear that the time will come when this industry and a" such industries will become really national, not pseudo national, and wi

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really become the property of the nation, working not for the profit of the few but for the benefit of the people. (Applause.)

Sir Victor Sassoon (Bombay Millowners' Association : Indian Commerce) : Mr President, I suppose that in the opinion of Mr. Jamnadas Mahta, and perhaps of Mr. Chaman Lal, I stand before you as the weak-kneed representative of a spineless industry. I regret therefore that my knees must hold me up for a longer period of time than I generally take when I address this House. I am afraid that my subject is so large that I will not be able to compress it within the usual 10 minutes or a quarter of an hour which I think is generally as much as this House ever cares to listen to my voice So my knees must be stiffened for this afternoon at any rate I have not only to deal with my Honourable friend Mr. Neogy's remarks and the points made by him and some of the other speakers, but I will have to deal with the question of the mill industry *vis-a-vis* the Government. Sir, Mr. Jamnadas Mehta's speech was, to say the least of it, unusual. He appears to possess a boundless admiration for the mill industry. He has assured this House, in spite of what may have been said by Members on the Benches opposite, that we are held by the people of India in great affection ; and then he tells us that he is going to vote against the measure, which though admittedly, as he calls it, a dole, at any rate does do something to help us in our present difficulties The fact is that whilst I was listening to Mr. Jamnadas Mehta I could not help thinking of the well-known words, " It is all very well to dissemble your love, but why did you kick me downstairs ". (Laughter.)

Mr. President, I am afraid I cannot agree with Mr. Jamnadas and Mr. Neogy on the advisability of delaying this measure which is now before the House. On the contrary, the necessity of affording the mill industry of India any kind of help, however, inadequate, is an extremely urgent one, and the urgency lies in the present situation in China. The internal troubles over there which appear to have no end are of a two-fold danger. In the first place, the closing of the home market to their products makes it necessary for the Chinese industry, working as it does under even worse and more unfair conditions than does Japan, to find a market ; and in searching for this market it is up against Japan, who in her turn has also to find an outlet for that part of her production which the continent of China used to absorb. So that, we have not only China looking to India as an outlet for her surplus goods, but Japan doing the same. Now what will be the result ? The result will be that in the immediate future we shall suffer a dumping war between these two countries. That I think is a very sound reason for pleading urgency, for that war, which appears to be just beginning, is likely to develop to its fullest extent during the next couple of months. That is why we must have any measure of protection that we are going to have *now*. We cannot afford to wait until all these goods have been dumped on our shores. In such circumstances the question of the costs of production is a secondary one, and we may find not only the medium counts of yarn from these countries attempting to oust the admittedly small percentage of 3 per cent. of our production which is in these qualities, but what is much more serious their lower counts driving out the 25 per cent. of our production which is now consumed by the handloom industry in the

form of these lower counts. Now it is here that the duty of $1\frac{1}{2}$ annas offered is of value, amounting as it does to a protective duty of something like 13 per cent. on coarse yarn. This is no bogey which I am putting before the House. It is a very real danger. I am expecting at any time to hear that the namesakes of the firm of my Honourable friend Sir Alexander Murray will be dumping on this country not only yarn but drills and my great fear today is not so much that this infinitesimal measure of protection will raise prices to the detriment of the handloom weaver or the consumer, but that it will fail to stem the wave of surplus goods seeking so urgently a market from the Far East. Mr. President, I wish to assure Members opposite that we who are engaged in the power-driven industry have no desire of any sort to hurt much less to kill our brothers who work handlooms. If I thought that the proposed increased duty on 10 per cent. of their output would cripple their industry, which to my mind is just as much a national industry as ours is—if I thought that even under the least favourable conditions the burden of 12 lakhs on the 30 crores of finished goods which they produce would really prove a severe handicap to them I would not press this measure as I am now doing. It is because I do not believe that in practice the handloom industry will suffer any real detriment that I am so insistent. I honestly believe that as regards the yarns mentioned, the dumping countries will lower their prices by the amount of the duty proposed, as they did when the excise duty was removed, so that the handloom workers will not have to pay more for their yarn than they are paying to-day.

On the other hand, I am perfectly prepared to admit that we in the mill industry will therefore not benefit. (Hear, hear.) All we can say is that the Government will benefit to the extent of something like 12 lakhs at the expense of the Japanese and Chinese exporters. But it is in hopes of keeping out the coarse yarn which we are supplying to handlooms to-day at a loss of 10 per cent, *i.e.*, 10 per cent below our cost of production, that I am so strongly opposing delay I want the House to realise that, even as it is, this proposed duty may not be sufficient to safeguard the spinning side of our industry. The loss on this side may be so great that the mills will find they suffer less by closing down and importing yarn from abroad manufactured partly from Chinese cotton and partly from American cotton and use this yarn to keep their looms busy, at the same time selling the cotton which they have got in stock, which they can do at a profit.

Now, Sir, if this deplorable state of affairs comes to pass, what would be the position ? We shall have the handloom industry and the power-loom industry competing for this foreign yarn. And the mill industry, with its representatives in China and Japan, is likely to buy largely and so put up the price of this yarn against the small handloom buyers.

Will that be to their advantage in their competition with our mill-made cloth ? I say with the greatest confidence that they will suffer a great deal more than if, as at present, they are drawing their supplies from our spinning mills, spinning largely indigenous cotton at a price which is below the cost of production.

Think, too, of the position of the workers who will be displaced from the spinning frames. It is all right to say that they can go back to their homes upcountry, but those who understand these matters assure me that

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as regards at least 50 per cent. of the workers in Bombay, their poor little agricultural holdings cannot keep more than one member of their family, and the others can only be made welcome if they bring back in their pockets the money that they have earned at the Bombay mills.

What, then, is going to be the plight of these unfortunate men? And, Sir, remember that I am only now speaking of one section of our industry, the one whose existence is sought to be safeguarded by this Bill, and that the position of the other side, the weaving side, is by no means a rosy one.

Now, before going back to the main lines of my argument, I want to refer to one or two points which were made by my Honourable friend, Mr. Neogy, in his speech. Mr. Neogy says, "Why not have an inquiry into the handloom industry now as to the effect of this proposed duty?" I should have thought, Sir, the reason was obvious The information which we want is, "What harm is this duty doing to the handloom industry; what are the practical effects of this duty?" What we want are facts, and not mere opinions, and you cannot get those facts until you put this measure into force, and indeed, it may take a very long time, even when these facts exist, before the necessary information can be collected, when we consider the very wide ramifications of the handloom industry, and when we realize that it took six months to inquire in a fairly cursory manner into the affairs of the concentrated power-loom industry.

Now, Mr. Neogy was to my mind rather unfair on another point in his suspicions of the Government, when he asked why counts of 31*s*. and 40*s*. were chosen for special reasons I will later on show how I think the influence of Lancashire has shaped the general tariff policy of the Government. But as far as these counts are concerned, I frankly think Mr. Neogy has been barking up the wrong tree Lancashire has to pay just as much duty as Japan has on these counts, and Lancashire has not.....

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : But it is retaliation

Sir Victor Sassoon : I beg your pardon. The advantage that Japan has is unfair labour conditions.

Now another of the points that Mr. Neogy emphasised, and which must have appealed to the House as it did appeal to me, was the question of coal as supplied to the mill industry. Now I know the firm of Currimbhoy Ebrahim and Sons very well and have the advantage of a personal acquaintance with the head of the firm, Sir Fazulbhoy Currimbhoy. Those of the Members of this House who know Sir Fazulbhoy must have felt, as I felt, that it was inconceivable that he should have bought foreign coal at a dearer price than Indian coal, and so I wired to Sir Fazulbhoy, and I have received his answer, which is to the effect that all that he has done is to buy 1,500 tons monthly from a local coal merchant in Bombay, and he has asked for a selected grade Lodna Bengal coal but that he has put a clause in the agreement that at his option he can take some of the Natal coal already bought for import, if economy necessitates such action. Now, Sir, that is a very different thing to saying that he has refused to buy the cheaper Indian coal and

preferred to buy at a higher price. I am quite sure that if he is going to pay more for that Natal coal actually per ton of the Indian coal, it must be because the calorific value of that Natal coal is much higher; it has more heating properties, and is therefore actually, in work, cheaper than the other: and the mill industry of Bombay is not in such a state that it can afford not to buy in the cheapest market. We have to economise all our resources, and I do not think that Sir Fazulbhoy can be blamed for buying in the cheapest market. But at any rate I have now received a second telegram from Sir Fazulbhoy, and it says that he is prepared not to exercise his option to take Natal coal, although it is more economical. I hope, Sir, that on the other hand my friend from Bengal [illegible] —I think we have one here [illegible] Sir Alexander Murray that [illegible] of equal calorific value is at any rate no higher than what Messrs. Currimbhoy Ebrahim would have to pay for their Natal coal? Sir, I have been asked to say that this would [illegible] (Hear, hear.) I would [illegible] it on coal from Calcutta, [illegible] look through his files, he will find that the Millowners' Association have lately been making representations to this very effect. As a matter of fact the question of coal for our industry is not as large a one as people might think, due to the fact that out of 83 mills, 72 are now operating by electricity which we get from the Hydro-Electric Works, and of the balance, five or six are now applying to get electric power; so I am afraid that my Bengal friends must not look to the Bombay mill industry as an outlet for very much of their coal.

Now, one last word and I shall have done with Mr Neogy. He, and I think another Member, was afraid of retaliation from the Japanese. I for one do not complain of any action which may have been taken by our Japanese competitors Their industry has to live just as much as ours has, and their industry at the present time is in an even more difficult position than ours is, because their industry already supplies all the textile needs to their own people and therefore they have to look for an outside market We are in a position of not even being able to supply all the needs of our home people Now, whatever may be thought of the Japanese nation, I think it will be admitted that they are a very clever commercial nation, and I think I can assure Mr Neogy with no inside knowledge or any special knowledge, that the Japanese nation buys our pig-iron, for instance,—he mentioned pig-iron—not because she has any special feelings of brotherly love or affection for India, but because pig-iron is a very necessary raw material which she needs and it is cheaper from India than it is from America or any other country. I shall, however, tell Mr. Neogy that Japan is at the present minute developing the production of her pig-iron and I have no reason to doubt that when she has a sufficient output of pig-iron from Korea to satisfy her own needs, there will be a duty on not only our pig-iron but on all foreign pig-iron, whether you pass this Bill or you do not. And the same applies to the other main exports of this country to Japan, for instance, cotton. Is Japan going to put a duty on all cotton? The House must remember that as under the treaty we are debarred from singling out Japan, similarly Japan is also debarred from singling us out. To carry into effect the point

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mentioned by Mr. Neogy, Japan must put a duty on all pig-iron, on all cotton and on jute products and if she does so, I think that will be a case of cutting her nose to spite her face ; and therefore I do not think we need have any fear of any retaliation on that score. Now, I have done with Mr. Neogy.

I am not able to deal with the remarks that have been made by some speakers, because on this side of the House owing to the accoustics I am afraid we lost the advantage of appreciating what the eloquence of Mr. Duraiswamy Aiyangar, for instance, was about ; so I must leave that to another speaker. But I did hear, I think, that a handloom weaver only made three annas a day. If I did, surely that cannot be the normal wage of a handloom weaver all over India , otherwise I may find my friend Mr. Joshi, and probably even Mr Chaman Lall, asking me to try and get a loan from the Government to increase our industry, so as to be able to employ all these poor handloom weavers. For, at the present moment, if what we are told is right, it must really be a sweated industry. Even the very poorest wages paid in India—and these wages I may say are a great deal lower than what we pay in Bombay. Let me take the wages in Pondicherry, where, I find, that they pay their hands anything from 50 per cent. (higher rate) down to 33 per cent. of what we do in Bombay. Madura pays anything from 75 to 44 per cent. of what we do in Bombay. And yet, even those miserable wages will be better than the three annas a day which we are now told is all that the handloom industry is paying. Sir, if that is true .

Mr. B. Das : What about the cost of living in Pondicherry ?

Sir Victor Sassoon : I do not care how low the local cost of living is. The real wages of those unfortunate people must be better than those of anybody earning only three annas. And if this is really the case, the great problem before this House is what to do to alter the situation that allows anybody in this country to only earn three annas a day, and before trying to attack an industry or particular part of the industry, like Bombay, which does pay an average of Rs 30 per month to its workmen, it seems to me that there is a large beam to be taken out of somebody else's eye.

Mr C Duraiswamy Aiyangar : You shift your mills outside Bombay.

Sir Victor Sassoon : Now, Sir, I would like to deal with one or two other speakers. We are very much interested in the remarks made by Mr. Alexander and I am sure we all hope he is right and that world conditions will change and that prosperity will come to this country. I have not been in this country as long as he has, but I know that for the last three years we have had fairly good monsoons, and I have always been told that things were going to be better, and they have not been. And as my informants have all been in this country for something like 30 years I cannot feel, even after hearing Mr. Alexander's remarks, as optimistic as I might be. Mr. Alexander made an assumption, which, I am afraid, I am in a position to contradict. He assumed that all the mills bought a year's stock of cotton, I take it, at the beginning of the year. Of course those mills which bought their year's supply of cotton in the beginning of this year, when cotton was down, will naturally not make a loss this year ; but that, by no means, is the general state of affairs and the House

will soon realise that if you buy a year's supply of cotton you are gambling in cotton, because what would have been your position two years ago when the cotton market slumped. You would have got dear cotton on your hands and would not have been in a position to compete with mills which had not stocked their cotton and therefore were enabled to buy cheaper raw material. As a matter of fact, it is generally considered undesirable for a mill to speculate in cotton. It does so in this country to some extent ; it has to ; but on general principles, I do not think that you could count a speculative profit as a legitimate trade profit, because it might as easily have been a speculative loss.

Mr. Chaman Lall—I regret he is not in the House just now—has made certain charges against the mill industry, which I feel bound to refer to, although it may mean that I am taking more time than I had intended. He made a general statement that no efforts to increase the efficiency of the millhands had been made by the millowners. It is true that he practically contradicted that same statement, because a little later on he admitted that in my own group of mills there had been a strike because we had tried to increase the efficiency of the millhands and they did not want to have their efficiency increased. In that connection Mr. Chaman Lall says that we did not give them the necessary labour-saving devices. I can assure the House that in my group of mills they have just as good labour-saving devices as they would have in Lancashire or Japan or anywhere else. We naturally gave our men everything that they needed to enable them to look after 3 or 4 looms. We naturally, instead of letting them go and supply themselves with weft, have supplied them with facilities for it being fetched for them. The accusation is frankly inaccurate. We are trying our best to increase efficiency because it will not only increase the wage of the millhand but will enable us to reduce our cost of production which at the present minute means not that we are going to make a bigger profit but that we are going to make a smaller loss during the very critical period which we are now going through. Mr. Chaman Lall also says that millowners have approved of bribes being taken by jobbers. I can only speak for our own mills. I can only speak about what I know and we have done everything we can to stop these jobbers taking bribes Our difficulty has been that not even one man has ever told us that he was asked for bribes. It was only when we dismissed a jobber as we did for something quite different, and after the men threatened to go on strike if he were dismissed, that we found out after he had gone that they were very glad that he had gone because he had been taking bribes from them. But they were frightened to tell us before so as to enable us to get rid of this obvious injustice. Mr Chaman Lall then referred to the profits of the millowners. He has an extraordinary method of calculating profits. He apparently thinks that if you take the profits for a period of years—it may be 5, 10 or 15 years—and if it comes to over 100 per cent., then capital is not entitled to anything more. He apparently follows the tenets of my Mussalman friends who object to any interest being earned on money. He is entitled to his own point of view, but this is not the usual commercial point of view. When you want to know what profit an industry has made, you naturally divide the profit by the number of years and so get the figure of the yearly profit. Although Mr. Chaman Lall may be entirely right when he mentions that there was something like 175 per cent. profit for a term

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of years, I am equally right when I say that the average yearly profit for 10 years including the boom years is only 7½ per cent., taking into account the amount required for depreciation. Now, as the Tariff Board themselves admit, 8 per cent. is a fair return. The consumer, if I may use a slang expression, has nothing to kick about? Whatever we have taken away from the consumer in the boom years we have given back to him since. So he really owes us ½ per cent. per annum. I take it that this small measure is supposed to represent that ½ per cent. average for 10 years which we have not yet got out of the consumer.

Now, Sir, I should like to deal if I may with my friend the Honourable Member in charge of this Bill and here I am in somewhat the same position as my friend Mr Jamnadas Mehta because, although I am supporting the Bill, I am going to attack my Honourable friend. My Honourable friend objects to the word "protect" and prefers the word "safeguard", the word which we altered in the Preamble of the Bill in the Select Committee Personally I do not care which word he uses as long as it carries out the dictionary meaning of the word. What I say is this: whatever words you may be using, this Bill is not going either to protect or safeguard the industry if in spite of it the yarn industry cannot live. Can you say that you safeguard an industry if that industry dies? Some of the remarks of my Honourable friend were extremely interesting I was reading over his speech when he moved the reference of this Bill to a Select Committee and I noticed with peculiar interest a remark of his that an Indian cotton manufacturer was entitled to come to the Indian Legislature and say: "If I am to be subjected to a restriction from which my rivals from other countries are free, then I ought to be compensated in some way, because these restrictions raise my cost of production" The Honourable the Commerce Member added that it was "a perfectly tenable line of argument". So, I take it that my Honourable friend is in agreement with his own statement. (Laughter.)

Now, Sir, the exports of our mill products to the Levant and East Africa have increased during the last year which I see is looked on with approval by certain trade journals. The reason why these exports have increased was that most of us decided that we must try and get back our lost markets and therefore we sold our products at any price irrespective of the fact whether that price showed a profit or a loss. As a matter of fact, the prices at which these goods were sold have shown a loss. I may here point out to the Honourable the Commerce Member that the exchange policy of his colleague the Honourable the Finance Member is responsible for the fact that the manufacturers in this country have found themselves at a disadvantage as compared with their competitors in other countries. (Hear, hear.)

I now take up what my Honourable friend terms "a perfectly tenable line of argument", and ask him whether this action has not raised our cost of production in terms of foreign currencies resulting therefore in a form of unfair competition and whether adequate relief should not be afforded us. Further, the Commerce Member has stated that this duty has been put on to make up for the unfair competition of Japan, but it is no secret that the Japanese themselves consider that they are seriously handicapped

by the even more unfair competition that takes place in China. When I was there the mills were working two shifts of 12 hours each with half a day off every other week, and I have seen with my own eyes children of 8, 9 and 10 years working at ring frames without any pay as a favour to their parents. It sounds rather ridiculous, but the parents say that they want their children to work even without pay because after they have worked for a short time and learnt their business, they could then go to earn their livelihood.

Now, Sir, what adequate relief has the Honourable the Commerce Member offered to us. He has pointed out that there is no treaty with China such as we have with Japan, so he can put a special import duty on Chinese goods. He must know the conditions of work in China and yet there is no suggestion in his speech that he is going to investigate these points at once and give us any relief for them. He merely says that if, when the Japanese have carried out the terms of the Washington Convention, it is found that we are suffering from the imports of yarn from China, then the present duty will remain on. But it ought to be clear on his own showing that we should get additional relief from China. I consider this a very unsatisfactory statement on the part of the Commerce Member and I consider as much as my Honourable friend Mr. Jamnadas Mehta or anybody else in this House that the mill industry is being scurvily treated by the Government

Mr. President, if this had been Japan, if Japan had been in the position that we are in to-day, it is easy to imagine what steps would have been taken to mend matters. I have here a bulletin from the *Japanese Financial and Economic Monthly*. I do not propose to follow in the footsteps of my friend Mr. Duraiswamy Aiyangar and read it all.

Mr. C. Duraiswamy Aiyangar : You cannot afford to read the whole of it.

Sir Victor Sassoon : I would merely point out that the Japanese Government has laid down that in protecting industries half-hearted measures would do no good. If this were Japan I can see the Government in these conditions putting a penalising protective duty on high counts of yarn and cloth. I can also see the natural corollary that our mills will then turn to making yarn of higher counts and that our handlooms with adequate protection would buy this yarn and turn it into a high grade cloth instead of weaving the low grade cloth they do now—thus relieving the pressure on the mills in their output of low class cloth : then the whole industry would benefit, although admittedly this would be at the expense not only of Japan but also of Lancashire, but I suppose, no such heresy will ever be tolerated by the Government of this country

So, as we have not got the benefit in this country of a Government like the Japanese Government and as we are poor beggars, we have to take whatever is offered to us I know some of my friends opposite want me to join them in a heroic gesture They want me to say, "We wanted bread, you throw us a crust ; we cast it back in your face" But that is all very well for the politician (Laughter.) We have to live on that crust, and if it prolongs our existence by even one hour, we cannot afford to be proud and spurn it.

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The position is that the mill industry is like a poor wounded man lying in the road. Mr. Jamnadas Mehta says, "This man needs an ambulance". Mr. Jamnadas is entirely right He does need an ambulance to take him to the hospital, but all that is offered to him is a broken crutch. He cannot go far or fast on this crutch, but he takes hold of it and stumbles towards the town in the hope that somebody will help him on the road But Mr. Jamnadas says he should not take the crutch but remain lying on the road while he apprises the municipal authorities. Unfortunately, Mr. Jamnadas cannot guarantee to us that we will ever get this ambulance or I would certainly join him. (*An Honourable Member*: "It might be the funeral".)

Mr. Jamnadas M. Mehta (Bombay City: Non-Muhammadan Urban): If you work with me you will get it.

Sir Victor Sassoon: I say on the floor of this House that unless there is a change in world conditions, this protection which is offered us is not enough I tell the Government that it is taking a very serious risk I tell the Government that it is taking the risk of receiving the congratulations of our foreign competitors for having so successfully crippled, if not killed, the second largest industry in this country.

And so, I appeal to Mr. Neogy not to press his amendment, because, I know that the last thing in the mind of Mr. Neogy and his friends is to do anything to wreck the Indian industry for the benefit of foreign competitors. (*An Honourable Member*: "Not yet".) I know that. But I must warn Mr. Neogy and his friends that if he persists in his amendment and if he carries it, it means the dropping of this Bill: it means that the Government will have the right to say to him afterwards, if anything untoward happens to our industry, "Whatever the defects of our Bill it did afford protection to the coarse yarn manufacture of the country, and by rejecting this Bill, you have given India's foreign competitors the opportunity of attacking this vital spot, and had this not happened, the industry might have carried on?" It is because I know that the bulk of the Members of this House have no antagonism to the mill industry, which does not only consist of a few millowners, not only consist of a few thousand shareholders, but consists of a population of mill agents, shareholders, and working people, and know that everything that hurts us (the masters) is not going to be borne by us alone, but is also going to be borne by the work people, I feel that I shall not have made my appeal in vain.

Mr. T. C. Goswami (Calcutta Suburbs: Non-Muhammadan Urban): I take it, Mr. President, that the Honourable Baronet who has just spoken attaches a particularly "high calorific value" to any crumbs that may be thrown by the Honourable gentleman opposite me, and possibly, he thinks that even a broken crutch supplied by the Government of India to a crippled industry possesses great "calorific value".

An Honourable Member: No, none at all.

Mr. T. C. Goswami: For, I think he and his friends have carried mendicancy to the last limit. Having themselves admitted that the measure of protection offered in this Bill is a very meagre one, I cannot understand why they are prepared to accept, with gratitude, the modicum

of mock sympathy which has been exhibited on the other side of the House. (*Sir Victor Sassoon* : " Not with gratitude ".) Since the time of Newton, and what could never have been intelligible to him, a new calculus, it seems, has been invented, by which the same set of figures can be juggled so as to produce any kind of inference (*Lieut.-Colonel H. A. J. Gidney* : " Differential Calculus ".) For instance, my Honourable friend Mr. Chetty, this morning, worked out figures—and he is always strong in facts and figures—and he tried to prove to us that the effect of this Bill would be to hit the handloom weavers to a very small extent only. I noticed one device He is a great statistician, I am not. He will pardon me if I am slightly sarcastic. He employed a method which I have seen in shops like Whiteaway Laidlaw when they have a " sale " on. When they want you to buy a pair of socks for Rs. 4, they generally put it down at Rs. 3-15-0, so that when you look at it at first, you feel that you are paying only Rs. 3 and something. Similarly, Mr. Chetty compared the 6 million handloom spinners and weavers to the 4 or 5 lakhs of workmen employed by the mill industry. I observed the juxtaposition of the two figures 5 and 6, but one was in terms of lakhs and the other in terms of millions. Even if we are to accept the figures of the Honourable Mr. Chetty that only 8 per cent.—I believe that was his figure—of the handloom industry would be affected by this Bill, I think it does not require a great mathematician to find out that even 8 per cent. of 6 millions works out to a higher figure than the percentage of the 4 or 5 lakhs of people who are employed in the mill industry, who, on the computation of the millowners themselves, would suffer if this Bill be rejected. Sir Victor Sassoon said that, if Mr. Duraiswamy Aiyangar's figures were correct, namely, that some of the people in the handloom industry get only three annas a day, then it was time that Sir Victor Sassoon and his friends should get them employed in his own mills Well, Sir, I would invite the mill-owners of Bombay, or anywhere else in the world, to employ the six million handloom weavers in India He might have made a debating point, and I don't grudge him that. But can he employ this large mass of the population of India who are engaged in the handloom industry and pay them at the rate of Rs 30 a month ? Besides, Sir, figures are elusive. I do not, first of all, accept that in most places, the handloom people get only 3 annas a day. That is a figure which I am not prepared to accept. But I will accept this, that if their wages, their earnings, are very low, they have other advantages while they live in the villages. There is, for instance, always a little land attached to their handloom industry.

Mr. C. Duraiswamy Aiyangar : I would ask my friend to divide the production—over 30 crores are said to be the production—by the 6 million who work, and you will then get the figure.

Mr. T. C. Goswami : I do not think that sort of average appeals to me at all ; it is fallacious ; because, there are many people who may be getting only a very small wage in the handloom industry, but who may be occupied in other industries. I am not going into the mathematics of that. But I submit that their earnings from the handloom industry do not represent their total earnings. And when we calculate " real wages " we have to calculate the other advantages that are derived from their living in their villages. I hope, I need not pursue that further

I think the Honourable Baronet is very wise in not calling this mill industry a national industry. That was the great mistake which was made

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as much interested in the welfare of the country as any of us, and those of them that are not, will not be converted to our view if we go on abusing them and regarding them as opponents of the general welfare of the community We have to think of the problem before us as one that concerns the whole country. The millowners as well as the mill hands are our brethren, and we have to see what service both can render to the country in developing this national industry and shutting out foreign manufactures We have to look at the question in that light. As regards the question of protection which is now before us the point, is whether the mill industry has been hit hard by foreign competition Everybody has admitted that the mill industry has not worked under ideal conditions. This may be a legitimate point of complaint We have to tell our friends the millowners of what more they have to do I have no quarrel with anyone on that point But that should not be the deciding factor in determining the course of action which we are to follow to-day. I submit, Sir, the question before us is whether this national industry does stand in need of help, whether it is being hit hard by foreign competition. We have the figures given by the Tariff Board and these have been cited by many people Japan has been sending us over 20 million pounds of yarn for many years. And China which sent us only 4,000 pounds, a year ago, is now sending more than 2 millions of pounds of yarn. These are *the facts that stare us in the face. Is it for the good of India that so* much foreign yarn should come into this country ? I consider it a matter of deep shame for the Government of India and the people of India that India which grows so much of cotton should allow any of its cotton to be exported to Japan and not change it into yarn and cloth. Bearing that in mind, our determination should be to wipe off this shame. I have nothing to say against our Japanese friends. I honour them for their patriotism. I honour them for having developed this cotton industry as they have developed it. I wish them all prosperity and greater power. But we have to learn a lesson from them That lesson is that the Government in charge of the country should unite with the people in giving real protection to the industries of the country and in building them up as Japan has done during the last thirty years Japan takes cotton from India so many thousands of miles away and brings it back to India, spun and woven, and dumps the Indian market with it at a cost below that at which the Indian manufacturer is able to spin yarn It has done so because of the help which the Government of Japan have given and the tender care have they bestowed upon the development of the cotton industry in Japan That is what the Government of India have to do and we have to contribute our share towards it. Our share towards it will be that we should agree to pay the penalty for the crime of omission of the Government of India and of the people of India put together in not utilising all the cotton that India grows, for allowing any part of this cotton to go out of India to Japan or China or anywhere else. That price we have to pay because the mill industry is exposed to danger to-day. We have to pay the penalty by accepting even this miserable measure of support which the Government of India is extending to this industry. We are placed on the horns of a dilemma. It is the case of a woman who has got the husband to be hit on the one side and the son to be hit on the other. We are in that perilous position. India is unable to decide what is right for her people, not being given the power by our English

fellow subjects who have come by Providence to rule over us of deciding what is good for us We are here left at the mercy of an irresponsible Government, which is neither responsible to this Assembly, nor responsible to the people of India, nor it seems responsible to God himself. In the situation, that Government decides what it shall give to India. It has got many considerations underlying its decision. We the representatives of the people have not the power even to get the Government to accept the Report of the Tariff Board which the Government itself appointed. The Tariff Board recommended that both yarn and piecegoods should be taxed The Government have picked up the one item of yarn and they present it to us and say " You take this or perish ". We are now in this unfortunate position If we say " We will not have it, you take it back ", then the result of it would be not merely the loss of 12½ lakhs to Bombay I am not concerned at this moment with the small gain to Bombay, but I am concerned with this—that you are allowing the Chinese and the Japanese a great opportunity to send more and more yarn into this country and making it more difficult for the mill industry to produce that yarn and compete with the foreign manufacturer That is the situation which confronts us No doubt the handloom industry runs the risk of being hurt I am deeply sorry that it is so, but let us take courage in both our hands and face the situation If we have not the power to compel Government to put on an import duty on piecegoods, let us not reject the Bill before us Let us accept it, knowing that it will hurt our fellowmen, the handloom weavers to some extent Why do I say this ? I say it in the same spirit in which we decided to use Swadeshi cloth. In the Congress of 1906 which was presided over by that Grand Old Man of India, Dadabhoy Naoroji, those who belonged to the two camps as they were then called, the moderates and the extremists, passed a Resolution that we should use Swadeshi cloth even at a sacrifice. My friend Lala Lajpat Rai was one of those who settled this matter with other friends, and from that time forward we have considered it a religious duty to our country that we should use Swadeshi cloth even at a sacrifice. I say " Let us at this juncture help the mill industry even at a sacrifice to some extent of the interests of the handloom weavers " Let us unite and combine all our forces to force the Government to do what is right and just, namely to put on an import duty an additional import duty, on cotton piecegoods But let us accept the Bill When I ask my friends to do so, I do so with the consciousness that there will be some loss to the handloom weaver I submit we should bear that loss We should also remember that we do not want any cloth of foreign yarn to be manufactured in our country I wish our handloom weavers to use more and more hand-spun yarn or if they cannot do so to use country made yarn I wish to discard the use of foreign yarn and foreign cloth, not that I have the smallest feeling of ill-will or any desire to hurt our fellowmen outside India. I honour them and love them as fellowmen All that I wish to do is what they do in their own country My Honourable friend Sir Victor Sassoon was perfectly right when he said that when the Japanese find that they are able to produce their own pig-iron they will not hesitate to put on a duty on the foreign imports of that commodity. They have done so in the cases of other articles, and I expect them to do the same in the case of pig-iron if it becomes necessary for them to do so We have to do the same here to-day. We have to shut out foreign yarn because it is a great threat to the Indian mill industry We use

[Pandit Madan Mohan Malaviya.]

all the weapons we have, even if we have to pay a somewhat heavy price for some of them. I appeal to all my friends on this side to look at the question in that point of view I am pained that we should be in this position of helplessness before the Government. But I submit, let us not, because we feel the pain of it, because we feel the humiliation of it, because we feel the helplessness of it—let us not throw away this limited help that is coming to the Bombay industry As I have said before, it is not the 12½ lakhs which count with me. They do not weigh at all in the balance. What weighs with me is not the gain of the Bombay mill industry to that small extent, but the danger we are exposed to of Japanese and Chinese manufacturers dumping their yarn in this country. They are in a position perhaps to reduce the cost price even further, and they may do so. Already you have heard that yarn of coarser kinds is coming from China. If they can send in more and more yarn and make the life of your industry more miserable and uncertain, where shall we be ? You must remember, as Mr. Jamnadas Mehta reminded us, that the cotton mill industry has grown up in India without any help from the Government of this country. It is a matter which cannot be disputed It has grown in spite of the handicap which the Government placed upon it in the shape of the cotton excise duty Now the industry has been freed from that incubus and it is struggling against other heavy odds Let us by all means point out all the reforms needed in the management of our mills. Let us fight our friends of the Bombay industry on that account. Let us fight them in the interests of the labourers, the mill hands. Let us use all our strength to get them to do whatever justice demands. But let us be just. Let us study the conditions under which they are working ; and remember they are working for the nation, for the country ; that they are the servants of the motherland as much as we are. Let us see that we deal with them also justly At the present moment the great danger is that if we do not put on this duty it will be easier for Japanese and Chinese merchants to dump their yarn in large quantities in our country. And when that has been done you will be yielding to the temptation to use that foreign yarn because it is cheaper You are thinking of the loss to the handloom weaver. Did you forget the higher cost when you preached that hand-spun yarn should be used ? Do I not pay a higher price for cloth made of hand-spun, home-spun yarn than I would if I bought the foreign cloth ? But if there is a body of opinion which has deliberately decided to encourage hand-spun yarn and cloth, let that body of opinion remember the situation at this moment and decide the question from the true national point of view. It is quite easy for any foreign manufacturer to reduce his price and thereby compete with our own products Will you yield to the temptation of the cheaper cost of cloth, or will you remember that this is an insidious poison which will poison the body politic of industry in India ; and remembering that, look at the question in the correct light and decide, even though it be with pain, with keen regret that we are not in a position to help the Bombay mill industry in the right way, in the way which would not inflict injury on the handloom industry. But decide that you will, though with very unwilling hearts, with a consciousness of your duty to the mill industry and to the country, accept this measure, accept it with a sense of sorrow and of shame that we have not the power to put the right measure on the Statute-book,

and that we are compelled by the circumstances in which we are placed, to accept this faulty and half-hearted measure. (Applause.)

The Honourable Sir George Rainy (Member for Commerce and Railways) . I should like at the outset of my speech, Mr. President, to clear away a small misunderstanding which occurred yesterday. More than one speaker was inclined to censure me somewhat severely under the belief that I had described the cotton mill industry as a national industry, and implied that the handloom industry was not a national industry. I was not conscious of any sense of guilt on the subject because I was pretty sure I had not used the words complained of. But I thought it better to await the reporter's notes of my speech, and I have found that the phrase "national industry" does not occur anywhere in my speech. The phrase "national interest" does, and on each occasion in the same context, when I was urging upon the House that in the conflict of interests which undoubtedly exists between the two industries it was in the national interest that in this case the interests of the cotton mills should be preferred. Obviously, unless I did hold that view, I could not have brought forward this Bill at all.

It would clearly be impossible for me, Mr. President, after the number of most interesting and able speeches to which we have listened from all sides of the House advocating many different points of view, to attempt anything like a complete survey of the debate. It will be necessary, therefore, for me to limit myself to the more important and obvious points with which I ought to deal. Indeed, quite naturally in the circumstances, the debate has taken a somewhat discursive course, and at a good many points cotton yarn has not been the subject which has held the most prominent place in the minds of speakers or in the mind of this House. But I think the House will recognize that, if I were to deal with all the questions that have been raised, I am afraid before very long, Sir, you would be asking how much longer my speech was going to go on Now my opponents, the supporters of the motion moved by my friend Mr Neogy, can be classified in three categories. There are those who genuinely apprehend that the consequences to the handloom industry may be very serious There are those again who are apprehensive as to the consequences that the passage of the Bill may entail in the way of possible retaliatory action from another country. And there are those who will have nothing to do with the Bill because the Government of India ought to have done something else or something more I will try to say something about each class. I desire in anything I say to speak with great respect of those who have urged the claims of the handloom industry, urged them with obvious sincerity and obviously under a deep impression of the injury which that industry might suffer if the Bill is passed. I believe myself after giving all the attention I can to the subject that those apprehensions are exaggerated. But if they are not exaggerated, then all I can say is that far from it being a reasonable thing to condemn this Bill as doing nothing at all for the mill industry, if it is going to inflict very serious injury on the handloom weavers it must equally give very substantial assistance to the mill industry. That is in the nature of the case The only means by which this additional duty can operate is by raising the price of yarn, and to the extent that it raises the price, the mills will gain, and the handloom industry will suffer. That is unquestionable. But, as I have

[Sir George Rainy.]

already said, I have endeavoured to place clearly before the House the reasons which led the Government of India to think that only a comparatively small quantity of the yarn used by the handloom weavers would be raised in price I do not want once more to go over the ground which I have already traversed, and it is the more unnecessary to do so as my friend, Mr. Chetty, put the substance of my argument with admirable clearness and brevity. But I would like to deal with just one point in this connection. It has been suggested that if we put on this 1½ anna duty on cotton yarn, what is there to prevent—it is said—the millowners combining to put up prices against the handloom weaver? Well, I think the correct reply to that question is that there has been nothing in the previous history of the mill industry to suggest that such a combination is a probable development. Those who have studied attentively the Report of the Tariff Board will remember that on one point after another the Tariff Board drew attention to the necessity of greater combination amongst the millowners to protect their own interests, and pointed out how much they might do by combination to make themselves more prosperous. These passages in the Tariff Board's Report quite clearly indicate that a combination on the part of the millowners to exploit the public or to exploit the handloom weaver is not a development about which we need have any great apprehension. Indeed I should feel more hopeful about the future of the industry if I had more hope that the millowners might be able to combine. In moments of pessimism, I have sometimes been tempted to think that the laudable pursuit of overawing the Governor General in Council is almost the only inducement strong enough to bring them together. May I express the hope that perhaps the practical experience of combination they have had in recent months may not be without a salutary effect, and that we may in the future witness a closer combination of the millowners, not for the purpose of exploiting the public, and not for the purpose of inflicting an injury on the handloom weaver, but for the natural and proper objects for which trade combinations exist. I should like now, Mr. President, to deal very briefly with the apprehensions which have been expressed by certain speakers as to the consequences which the passage of this Bill might entail owing to action by other countries. I should like to deal with this very briefly, because it is not a matter about which much can wisely be said Quite clearly, when India is claiming for herself the rights to administer her system of tariff duties having regard solely to the interests of India, and irrespective of other interests, then quite clearly we must expect that other countries also who are concerned will claim and will exercise the same right Indeed to expect anything else would be absurd. Therefore, if the Imperial Japanese Government is of opinion that it is to their national interest that the duty on pig-iron should be raised, I imagine that unquestionably they will take action accordingly. But what I am prepared to say is this, that we have no reason whatever to believe at present that there is any measure in contemplation which would amount to discrimination against India Were such a measure contemplated, that of course would raise the whole question about the trade agreement, just as the same question would have been raised had the Government of India accepted the proposal put forward by Mr. Noyce for a differential duty against Japan. But

we have at present no reason whatever to anticipate discriminatory action. We have seen a good deal in the newspapers which indicates that the pig-iron interests in Japan are agitating on the subject, just as the cotton mill interests of this country have been agitating here. What the result of that agitation may be, it is quite impossible for the Government of India to forecast, but what I wish to bring out at this point is that, at present, the Government of India have no reason to anticipate any discriminatory action directed against India. I will now come to the third category of my Honourable opponents, that is to say, those who hold that they will have nothing to do with the Bill, because the Government of India have refused to do something else or something more. Now I have the greatest personal regard for all the Members who have taken this line, but will they forgive me if I say that I cannot admire the method in which they conduct their thinking? It is an attitude with which I find it entirely impossible to sympathise, although their heroism or romanticism may perhaps deserve a certain amount of admiration. But I could not help feeling some sympathy with my friend, Sir Victor Sassoon, when he pointed out that it was all very well for those who were not directly interested to take a high line about these things and to say that unless one can get something really worth having, one will refuse to have anything at all. I would most seriously ask the House not to come to their decision on this question in a spirit of that kind, because I do very deeply feel that it is an attitude, however natural, which is not quite worthy of this House. After all, there is a serious question to be decided. Irrespective of what the Government might have done, the House has definitely to answer the question to-day whether they will accept the proposal in the Bill or will reject it, or will adopt the dilatory motion of my friend, Mr. Neogy, which, as the Honourable the Leader of the House pointed out, would be practically equivalent to rejection. I must retrace my footsteps for a moment because Mr. Belvi made an appeal to me, about one point—I think he asked about two points but I only got one of them down clearly. His question was this: "Why are the Government of India prepared to find a sum of Rs. 85 lakhs by way of removing or reducing duties if they were unable to provide the same sum in bounties?" Well, I would like to draw attention to the fact that the Tariff Board proposed both a bounty and the removal of the duties, and they also proposed the removal of a large number of the duties in a form which was practically equivalent to a direct bounty to the cotton mill industry; that is to say, a good many of the duties were not to be removed altogether but special arrangements were to be made by which the cotton mills would be allowed to import their stores free of duty or to obtain a refund after importation.

I think I explained in one or other of the speeches which I made earlier on these subjects that the Government of India were unable to agree either to the bounty or to an arrangement by which the cotton mill industry should import free of duty stores on which other industries had to pay duty, and for that reason they found it necessary to modify the Tariff Board's proposals and to go as far as they could in the direction of removing the duties altogether, so that there would be no discrimination between industry and industry. That is the reason why the Government of India were prepared to sacrifice a good deal of revenue by removing the duties, and were not prepared to grant a bounty to

[Sir George Rainy.]

the cotton mill industry, or to give a refund of duty in a form which was equivalent to a bounty. My friend, Mr. Goswami, spoke with some bitterness about what he believed to be the underlying intention of the Bill which, he said, was aimed at Japan and conceived in the interests of Lancashire. Now, Mr. President, after all what are the actual facts? Here we have before us the recommendation of Mr. Noyce in the Tariff Board's Report that a differential duty should be imposed against Japan both on cloth and on yarn. What would have been the effect of such a duty? It would obviously have been in effect a measure of direct British preference. What did the Government of India do? They rejected that proposal and what they actually did was this. Although the Tariff Board had found that Lancashire was in no way concerned in the competition which was injuring the Indian mills the Government of India have nevertheless proposed a duty which affects the imports from Great Britain and from all other countries in exactly the same way as the imports from China and Japan. If that is acting in the interests of Lancashire, it seems to me it is action which cannot be prompted by much intelligence, but if it is action, as I most sincerely say it is, Mr President, which the Government of India are taking in what they conceive to be the interests of India, what then? However much my friends on the other side may think we are wrong—and I honour and respect their opinions—I do ask that they will believe that those of us on this side who have to incur a great deal of responsibility in these matters are honestly doing our best in what we conceive to be the interests of India. (Applause.) I am not in any way ashamed to claim that, Mr. President, and I believe the time will come when the great majority of the people of India will concede our claim. I would like, in conclusion, Mr. President, just to remind the House once more of the decision which it falls to them to make. I endeavoured in my opening speech on this debate to state the case as fairly as I could and not to plead any point higher than it could fairly be pleaded. Undoubtedly the House has a decision to make and must come to a conclusion whether the danger to the cotton mill industry, if the duty is not imposed, exceeds the danger to the handloom industry if it is imposed. That is the real question which the House has got to decide to-day and nothing that may be said about the Government of India being really responsible can in fact prevent the House from deciding it. It will decide it. I do not disclaim responsibility on behalf of the Government of India for the position in which the House has to record its vote to-day. That would be an absurd thing to do. But, nevertheless, the House has a responsibility of its own which in the nature of things it cannot devolve on any-one else. Things are what they are; the consequences will be what they will be. Why then should we deceive ourselves? And I would again impress upon the House what my Honourable friend the Finance Member said this forenoon. If we put this question off, if we say we have not yet enough information to enable us to come to a decision, we shall nevertheless in fact decide it and decide it in the negative. Events will not wait for our tardy consideration. We cannot foretell what the next few months may produce. I do urge, Mr. President, that the information before this House is probably as much as we are ever likely to get on these complicated questions. I quite agree that if we ask Local Governments to express their opinions about the effect on the

handloom industry, we shall get a great many opinions, some of them valuable, some of them perhaps not so valuable, but in the end, we shall not know a great deal more as to the probable effect of this duty than we know at present. I would, therefore, as strongly as I can, urge upon the House, first, that the time has now arrived when the question ought to be decided, and, second, that there is no real escape from decision by way of delay, and that in fact and to all purposes if my friend Mr. Neogy's motion is carried, the House will have decided in the negative and the Bill will practically be dead. I will not at this late hour, Mr. President, weary the House longer with further remarks I think that the question has been debated in a very full and very interesting manner and I hope that those Members to whose appeals for information I have not been able to reply will understand the reason that I am unwilling to weary the House at this time by a long speech. (Applause.)

Mr. President : The original question was :

"That the Bill further to amend the Indian Tariff Act, 1894, in order to safeguard the manufacture of cotton yarn in British India, as reported by the Select Committee, be taken into consideration."

Since which the following amendment has been moved :

"That the Bill be circulated for the purpose of eliciting opinions thereon "

The question I have to put is that that amendment be made.

(A division was called for)

Diwan Chaman Lall : Before you put this amendment to the vote, may I request you, Sir, to give a ruling on the point raised by my Honourable friend, Mr Goswami, as to whether those Members who have pecuniary interest in this measure are entitled to vote or not ?

Mr. S. Srinivasa Iyengar (Madras City : Non-Muhammadan Rural) : Sir, may I refer to May's Parliamentary Practice, page 368:

"In the Commons it is a rule that no member who has a direct pecuniary interest in a question shall be allowed to vote upon it : but in order to operate as a disqualification, his interest must be immediate and personal and not merely of a general or remote character On the 17th July 1811 the rule was thus explained by Mr. Speaker Abbot: This interest must be a direct pecuniary interest and separately belonging to the persons whose votes were questioned and not in common with the rest of His Majesty's subjects or on a matter of State policy."

I understand, Mr. President, that your predecessor ruled that they could vote, though, I understand, Honourable Members who had an interest refrained from voting on their own responsibility. May I submit that directors of mills would certainly have a direct, immediate and personal interests ? Whether it would apply to shareholders or not is another question, but certain managing directors and agents of mills have a direct and personal interest. I leave it, Sir, to the Chair to decide.

Mr. President : What is the ruling that the Honourable Member wants ?

Mr. S. Srinivasa Iyengar : I want your ruling, Sir, whether they can vote or not ?

Mr. President : What is the Honourable Member's contention ?

Mr. S. Srinivasa Iyengar : My contention is that they are not entitled to vote.

[Sir George Rainy.]

the cotton mill industry, or to give a refund of duty in a form which was equivalent to a bounty. My friend, Mr. Goswami, spoke with some bitterness about what he believed to be the underlying intention of the Bill which, he said, was aimed at Japan and conceived in the interests of Lancashire. Now, Mr President, after all what are the actual facts? Here we have before us the recommendation of Mr. Noyce in the Tariff Board's Report, that a differential duty should be imposed against Japan both on cloth and on yarn What would have been the effect of such a duty? It would obviously have been in effect a measure of direct British preference What did the Government of India do? They rejected that proposal and what they actually did was this Although the Tariff Board had found that Lancashire was in no way concerned in the competition which was injuring the Indian mills the Government of India have nevertheless proposed a duty which affects the imports from Great Britain and from all other countries in exactly the same way as the imports from China and Japan. If that is acting in the interests of Lancashire, it seems to me it is action which cannot be prompted by much intelligence, but if it is action, as I most sincerely say it is, Mr President, which the Government of India are taking in what they conceive to be the interests of India, what then? However much my friends on the other side may think we are wrong—and I honour and respect their opinions—I do ask that they will believe that those of us on this side who have to incur a great deal of responsibility in these matters are honestly doing our best in what we conceive to be the interests of India (Applause) I am not in any way ashamed to claim that, Mr. President, and I believe the time will come when the great majority of the people of India will concede our claim I would like, in conclusion, Mr. President, just to remind the House once more of the decision which it falls to them to make I endeavoured in my opening speech on this debate to state the case as fairly as I could and not to plead any point higher than it could fairly be pleaded Undoubtedly the House has a decision to make and must come to a conclusion whether the danger to the cotton mill industry, if the duty is not imposed, exceeds the danger to the handloom industry if it is imposed That is the real question which the House has got to decide to-day and nothing that may be said about the Government of India being really responsible can in fact prevent the House from deciding it. It will decide it. I do not disclaim responsibility on behalf of the Government of India for the position in which the House has to record its vote to-day. That would be an absurd thing to do But, nevertheless, the House has a responsibility of its own which in the nature of things it cannot devolve on any-one else Things are what they are; the consequences will be what they will be. Why then should we deceive ourselves? And I would again impress upon the House what my Honourable friend the Finance Member said this forenoon. If we put this question off, if we say we have not yet enough information to enable us to come to a decision, we shall nevertheless in fact decide it and decide it in the negative. Events will not wait for our tardy consideration. We cannot foretell what the next few months may produce. I do urge, Mr. President, that the information before this House is probably as much as we are ever likely to get on these complicated questions I quite agree that if we ask Local Governments to express their opinions about the effect on the

Haji, Mr. Sarabhai Nemchand.
Hla Tun Pru, U.
Irving, Mr. Miles.
Ismail Khan, Mr.
Iswar Saran, Munshi.
Jayakar, Mr. M. R
Jinnah, Mr M A
Joshi, Mr. N. M.
Jowahir Singh, Sardar Bahadur Sardar.
Kabul Singh Bahadur, Captain
Keane, Mr M.
Khin Maung, U
Kikabhai Premchand, Mr
Kirk, Mr R T F
Kunzru, Pandit Hirday Nath
Lamb, Mr. W S
Malaviya, Pandit Madan Mohan
Mitchell, Mr D G
Mitra, The Honourable Sir Bhupendra Nath
Muhammad Nawaz Khan, Lieut.-Sardar
Mukherjee, Mr. S C.
Parsons, Mr. A. A. L
Purshotamdas Thakurdas, Sir.
Rahimtulla, Mr Fazal Ibrahim
Rainy, The Honourable Sir George
Rajah, Rao Bahadur M. C
Roy, Mr. K C
Ruthnaswamy, Mr. M
Sams, Mr H. A
Sarda, Rai Sahib Harbilas
Sassoon, Sir Victor
Shah Nawaz, Mian Mohammad.
Siddiqi, Mr. Abdul Qadir
Singh, Rai Bahadur S. N.
Tirloki Nath, Lala.
Tonkinson, Mr. H.
Wright, Mr W. T. M
Yakub, Maulvi Muhammad
Young, Mr G M
Zulfiqar Ali Khan, Nawab Sir

The motion was negatived

Mr. President : Does the Honourable Member from Bengal wish to proceed with his next amendment ?

Mr. K. C. Neogy : No, Sir.

Mr. President : The question is :

"That the Bill further to amend the Indian Tariff Act, 1894, in order to safeguard the manufacture of cotton yarn in British India, as reported by the Select Committee, be taken into consideration "

The Assembly divided :

AYES—68.

Abdul Haye, Mr
Abdul Qaiyum, Nawab Sir Sahibzada.
Abdullah Haji Kasim, Khan Bahadur Haji.
Ahmad, Khan Bahadur Nasir-ud din.
Aney, Mr M. S
Anwar ul Azim, Mr.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid
Ayangar, Mr V K Aravamudha
Ayyangar, Rao Bahadur Narasimha Gopalaswami
Bajpai, Mr G S
Bhuto, Mr. W. W Illahibaksh.
Blackett, The Honourable Sir Basil.
Coatman, Mr J.
Cocke, Mr H G.
Cosgrave, Mr W. A.
Courtenay, Mr R. H
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Crofton, Mr. R M.
Dakhan, Mr. W. M. P. Ghulam Kadir Khan.
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr J. T.
Dunnett, Mr. J. M.
Ghazanfar Ali Khan, Raja
Gidney, Lieut -Colonel H. A. J.
Gour, Sir Hari Singh
Haigh, Mr. P. B.
Haji, Mr. Sarabhai Nemchand.
Hla Tun Pru, U.
Irving, Mr Miles.
Ismail Khan, Mr.

Mr. President: My predecessor has already ruled on a similar occasion that they are entitled to vote. It is entirely for them to consider whether in the circumstances in which they are placed they should vote or not.

The original question was:

"That the Bill further to amend the Indian Tariff Act, 1894, in order to safeguard the manufacture of cotton yarn in British India, as reported by the Select Committee, be taken into consideration."

Since which the following amendment has been moved

"That the Bill be circulated for the purpose of eliciting opinions thereon"

The question I have to put is that that amendment be made.

The Assembly divided:

AYES—37.

Acharya, Mr. M K.
Aiyangar, Mr C. Duraiswamy.
Alexander, Mr William
Ayyangar, Mr K. V Rangaswami.
Ayyangar, Mr M S Sesha
Belvi, Mr D V
Chaman Lall, Diwan
Chunder, Mr Nirmal Chunder
Das, Mr B
Das, Pandit Nilakantha
Dutt, Mr Amar Nath
Dutta, Mr Srish Chandra
Farookhi, Mr. Abdul Latif Saheb
Ghuznavi, Mr A. H
Goswami, Mr. T C.
Iyengar, Mr A Rangaswami
Iyengar, Mr. S Srinivasa
Jogiah, Mr Varahagiri Venkata
Kidwai, Mr. Rafi Ahmad
Mehta, Mr Jamnadas M.
Mitra, Mr Satyendra Chandra
Mohammad Ismail Khan, Haji Chaudhury.
Murtuza Saheb Bahadur, Maulvi Sayyid
Naidu, Mr B P
Neogy, Mr K. C
Pandya, Mr Vidya Sagar
Prakasam, Mr T
Rao, Mr G Sarvotham
Shafee, Maulvi Mohammad
Shervani, Mr T A K
Singh, Mr Gaya Prasad
Singh, Mr Narayan Prasad.
Singh, Mr Ram Narayan.
Sinha, Kumar Ganganand
Sinha, Mr Siddheswar
Suhrawardy, Dr A
Sykes, Mr E F.

NOES—68

Abdoola Haroon, Haji
Abdul Haye, Mr
Abdul Qaiyum, Nawab Sir Sahibzada
Abdullah Haji Kasim, Khan Bahadur Haji.
Ahmad, Khan Bahadur Nasir-ud din.
Anwar ul Azim, Mr.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.
Ayangar, Mr. V. K Aravamudha
Ayyangar, Rao Bahadur Narasimha Gopalaswami
Bajpai, Mr. G S
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Donovan, Mr J. T.
Dunnett, Mr. J. M.
Ghazanfar Ali Khan, Raja.
Gidney, Lieut Colonel H A J
Gour, Sir Hari Singh
Haigh, Mr P. B.

[Mr. B. Das.]

protect handloom industries in their provinces, and my Honourable friend, Sir George Rainy, would have done better if he had also introduced a measure of bounties to protect the mill industry than by introducing a measure which will do the greatest harm to another very important industry.

Mr. A. Rangaswami Iyengar : May I say only one word ? I was certainly somewhat amused that my Honourable friend, Pandit Hirday Nath Kunzru, after having voted against the handloom weavers, now lavishes sympathy upon them and wants the Central Government out of the revenue which is going to be foregone under another Bill to put some more funds in the hands of the Local Governments for the benefit of the handloom industry. When you have hit them directly, it seems to me useless to think of trying to prop them up indirectly.

The Honourable Sir George Rainy : I would only say a single word. I think the Honourable Member who made this suggestion as regards the use to which the increase of revenue arising from the cotton duties might be put, cannot possibly expect me at this moment, without any previous notice on the subject, to express any opinion about his suggestion.

The motion was adopted.

The Honourable Sir George Rainy Sir, I beg to move that the Bill further to amend the Indian Tariff Act, 1894, as reported by the Select Committee, be taken into consideration I do not think .

Mr. R. K. Shanmukham Chetty I move that the House do now adjourn

Mr. President : Under what Standing Order ?

Mr. R. K. Shanmukham Chetty : I suggest it to you, Sir

Mr. President : Why should the non-official section of the House be always in a hurry to get away early. The Chair expects their co-operation in getting through as much business as possible.

Pandit Madan Mohan Malaviya : There is a conference at 5 o'clock of Hindus and Muslims and we have got to attend it. For that reason alone I most reluctantly submit to you that the House might adjourn now.

Mr President : My remarks do not apply to this particular occasion, but it is a general remark which I hope Honourable Members will bear in mind The House will now stand adjourned till 11 o'clock to-morrow morning.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 8th September, 1927.

LEGISLATIVE ASSEMBLY.

Thursday, 8th September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBER SWORN.

Sir Denys de Saumerez Bray, K.C.I.E., C.S.I., C.B.E., M.L.A. (Foreign Secretary)

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Secretary of the Council of State:

"I am directed to inform you that at the meeting of the Council of State held on the 7th September 1927, the Council rejected the motion that the Bill to repeal and amend certain provisions of the Indian Criminal Law Amendment Act, 1908, and the Code of Criminal Procedure, 1898, as passed by the Legislative Assembly, be taken into consideration."

Mr. President: I have received a few short notice questions from Mr. Jamnadas Mehta. I have admitted them as short notice questions and the Department has agreed to answer them; but the Honourable Member is not here to put them.

Mr. S. Srinivasa Iyengar: Mr. President, may I put them?

(No answer was given.)

THE INDIAN TARIFF (AMENDMENT) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I move that the Bill further to amend the Indian Tariff Act, 1894, as reported by the Select Committee be taken into consideration.

I do not think it is necessary that I should say much in support of this motion. The general principle of the Bill has already been accepted by the House and the amendments made in Select Committee are purely minor and of an unimportant character. It will suffice, I think, if I merely reiterate the main points about the Bill, namely, that it is an essential part of the fiscal policy of the Government of India that the materials of industry and machinery should be made as cheap as possible and that therefore the duty should be kept as low as possible; in the second place, that all industries should as far as possible be treated alike and that no one industry should be allowed to import free the articles on which other industries have to pay duties, but in the third place that when the time comes to give practical effect to the policy of Government it is permissible and legitimate to give precedence to those industries which are passing through a period of depression. Therefore, in selecting the particular articles from which the duty is proposed to be removed, we

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have chosen those the removal of the duty on which is likely to assist the cotton textile industry.

Sir, I move

Mr. A Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural) Sir, I beg to move under Standing Order 44 that the Bill do stand recommitted to the Select Committee.

My reasons, Sir, for making this motion are briefly these: the effect of the Bill as reported by the Select Committee would be to cause a diminution in the revenues of the Government of India by a sum of Rs 85 lakhs This Bill has been definitely undertaken in order to give relief to the Indian textile industry. It is admitted that the total relief that the Indian textile industry can possibly get under this Bill is only Rs. 42½ lakhs and therefore we are asked to surrender from the revenues of India another sum of Rs 42½ lakhs in order that the textile industry may benefit only to the extent of Rs 42½ lakhs I submit, Sir, that there is no warrant for this surrender of revenue and I submit that the Select Committee have not bestowed sufficient attention on the matter in order to see that only so much is taken out of the revenues of India as is absolutely necessary to give the relief which it is necessary to give to the textile industry It will be recollected, Sir, that the special Tariff Board itself did not recommend that a general remission of duty upon all machinery such as is proposed in the present Bill should be given in order that the textile industry might benefit The Tariff Board itself only confined its recommendation for relief to the duties on machinery pertaining to the textile industry It was the Government in its Resolution declaring the policy of the Government in regard to the Tariff Board's recommendations that stated that this matter should be further examined In paragraph 11 of the Resolution the Government of India have said as follows

"The removal of the import duty on machinery and on the materials of industry was recommended by the Fiscal Commission and is in accordance with the principle of the Resolution adopted by the Legislative Assembly in 1923 that the fiscal policy of the Government of India may legitimately be directed towards fostering the development of industries in India In giving effect to this principle as revenue considerations permit, the Government of India are prepared to give precedence to articles used chiefly by industries which are passing through a period of depression, but they would be unwilling to differentiate between industry and industry by allowing one industry to import free of duty articles on which other industries have to pay duty"

Sir, it is the Government of India that decided to expand the recommendations of the Textile Tariff Board with a view to have the remission of import duty on all machinery imported into this country It is not stated that other industries, whose machinery will be freed from duty under this Bill, asked for this relief or that in pursuance of the recommendations of the Indian Fiscal Commission and the Legislative Assembly in 1923 the time has arrived to remove the duty upon all the class of machinery that is now comprised in the Bill. On the other hand, we find that in respect of such machinery under some parts of the Schedule at least, the Government have found that there has been an agitation in this country with a view to the development of indigenous industries and have found themselves compelled to put down amendments to withdraw certain classes of goods, imported machinery and machine

made goods from the operation of this relief of duty. That shows, therefore, that the idea that there should be a general remission of duty upon all machinery is an idea which came into the minds of the Government of India unaffected either by the recommendations of the Tariff Board or by any demand from the people of this country. Sir, the Resolution of the Government of India having specifically referred to "revenue considerations", I consider it the duty of this House to examine whether it is necessary to make this large sacrifice of revenue for the purpose of affording a small relief to the textile industry. In doing that, I want to make it perfectly clear that we on this side of the House do not by any means want to take away any benefit which can properly be given to the textile industry by removing import duties upon stores or mill machinery. But what we do want to make clear is that the Government should not take advantage of this with a view to remove duties on other goods for purposes which, so far as we can see, we cannot divine.

Sir, it has been stated that it was difficult for the Select Committee to make a distinction between one class of machinery and another, and therefore when you want to relieve a particular kind of machinery on which duty is now imposed, it will necessarily have the effect of relieving the duty upon the same kind of machinery which might be imported for the use of other industries also Sir, that is a matter upon which, I submit, this House has not had any guidance from the Honourable the Commerce Member. Neither the Tariff Board nor the Government in their Resolution have taken any such ground for putting this clause into the Bill. The Government definitely say that they would be "unwilling" to differentiate between one industry and another by allowing one industry to import machinery free of duty while making the other industry pay duty. It is not because it is not possible to make this differentiation in regard to the import duties, but because the Government are unwilling to make the differentiation. I say, Sir, that so far as we are concerned, while we are willing that the textile industry should have this relief, we are not willing that the revenues of this Government should diminish by more than the amount of this relief, for the extra revenue might otherwise be employed for far more profitable purposes.

The next point that I have got to make, Sir, is this, that so far as the difficulty of framing a Schedule which will give the necessary relief to the textile industry without making it necessary for the Government to relieve other machinery from duty is concerned, I say, Sir, the matter should be examined further. The Select Committee should have done their best to see that articles which could legitimately be kept out of the Schedule are kept out so that needless sacrifice of revenue is not made. I do not see, Sir, from the proceedings of the Select Committee that any attempt has been made to do this, and I want it to be distinctly understood that I do not want in making this motion to make any proposal of a dilatory character. All that I say is that this matter requires further examination and that this Bill should be recommitted to the Select Committee so that they may see that the actual relief that the textile industry gets is the actual loss of revenue that the exchequer has to bear. This is a point, Sir, which has not at all been examined, because we also find that the Schedules have been framed, no doubt, in a hurry,—and I can understand the difficulties of the Honourable the Commerce Member,—and therefore they do require re-examination. I find that the Honourable the Commerce Member himself has had to put down amendments in regard to the

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printing industry, in regard to the industry of type founders and various other classes of goods which they had included and which he now finds would be adversely affected by the proposals embodied in the original Bill. I therefore, think, Sir, that very much more attention has to be bestowed on this matter than it has been possible for the Select Committee to do, and I do hope that the Government will accept my motion and have this matter re-examined again by the Select Committee

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) Sir, I rise at this stage, because I want to tell the House, and especially my friend Mr. Rangaswamy Iyengar, that the point which he has just now mentioned did not escape the attention of the Select Committee The first point that struck us in the Select Committee was, whether the revenues of India and the budget position as *forecasted by the Honourable the Finance Member, could stand this* substantial decrease in revenue which would, for the six months now to be gone through, amount to 42 lakhs of rupees But we felt, Sir, that as the Government came out with the suggestion of this remission of Rs 85 lakhs, it was not for the Select Committee to go into the financial side of the question We took it for granted that the Government of India had satisfied themselves that the revenue and the budget position did admit of this substantial reduction, and I propose, Sir, simply to leave this matter here Perhaps if the Honourable the Finance Member thinks it necessary, he might enlighten us further on this matter.

But the main question raised by my friend Mr. Rangaswami Iyengar is, whether the whole remission of 85 lakhs indicated or involved in this Bill will go to the benefit of the textile industry. The reply to it that was definitely given to us in the Select Committee by the Honourable the Commerce Member was ' No '. I do not think that the Government of India claim that they have yet a scientific method of adjusting taxation, and I say—subject to correction by the Honourable the Finance Member—that a truly scientific system of adjusting taxation has yet to be devised. A reference to the Schedules attached to the Bill, especially under Item 8 of the Schedule, will show that the items marked 18A, B, C and D do not include only items of machinery concerning the textile industry, and the Honourable Member in charge told us that these items 18-A, B, C and D which were taken from the present Tariff Act, were settled by a committee of experts and that it would be dangerous and cause a lot of confusion if any changes were made in them. Sir, it is easy to say on what items we want to have reduction in import duty, but it would be very difficult for the customs authorities to distinguish those items that we really want for the textile industry from others of a very similar kind required for other industries, and hence the Select Committee accepted the explanation of the Honourable Member in charge when he almost pressed us not to disturb the various items included under 18-A, B, C and D. The only inevitable result is and must be that you must include in some of the items articles which would not benefit the textile industry.

Now, Sir, I was one of those who had doubts about some items like types, lead, etc., and I made it a condition when I signed the Report that if from further information which I was trying to get I found that

it would be wrong to exempt some items from the existing duty because similar articles were manufactured locally, the Honourable Member in charge would agree to my moving relevant amendments in this House when the Select Committee's Report came up before it. Whatever information I received either by letter or telegram, I have passed on to the Honourable Sir George Rainy, and the House will see from the amendments Nos 1 and 4 on the list of business that he has been good enough to give notice of relevant amendments. My friend Mr. Rangaswami Iyengar is quite right in saying that there is a strong feeling that the import duty on some of the articles in this Bill should be increased. But as the Honourable Sir George Rainy rightly pointed out to me in the course of correspondence on this subject, this is not the time for it, nor is this the Bill for increasing the import duty on some of the articles from 2½ per cent. to 15 per cent. I therefore, feel, Sir, that it is not possible to attempt any increase of duty in this Bill. Personally, as a member of the Select Committee, I feel that if the Government of India offer to remit 85 lakhs of rupees from this form of taxation, they must have made sure that the Budget and their finances can stand it. The Tariff Board recommended a remission of import duty on articles which affected the textile industry, and my friend Mr. Rangaswami Iyengar does not dispute that it would be undesirable to do so. You cannot do it unless you include the other articles which are indicated in items 18-A, B, C and D of the present Tariff Act. And hence I believe that, even if this Bill was recommitted to the Select Committee, it would be difficult for the Select Committee to make any change in the Bill unless the House were ready to wait for the best part of a year and the Government of India put up another committee of experts to distinguish and separate the items which affect the textile industry and other items coming under 18-(A), (B) and (C) I therefore feel that, unless further considerable delay was to be tolerated in this matter—and even then I am not sure that it would be feasible to separate these items very accurately—I feel it is for this Assembly to decide whether they would pass this as it is presented or not. If they do not mind delay, and there might be immense delay, probably even then it may not be feasible to separate these items. I therefore feel that the House has got to make up its mind whether it is going to accept this Bill as it stands or drop it.

Mr. K. C Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I rise to support the amendment which has been moved by Mr. Rangaswamy Iyengar, and I generally endorse the observations which he has made in regard to the desirability of referring this measure back to the Select Committee. I would particulary refer to one or two items which have not so far been mentioned by the previous speakers. It is a welcome feature of the amended Bill, as it has now emerged from Select Committee, that the proposal to admit types and other things duty free has been omitted. I really wonder how the Honourable the Commerce Member came to make provision for the admission of types and connected things duty free when an inquiry is pending into the question whether the type-making industry is to be given protection. I hold in my hand a press communiqué issued on July 29th to the following effect :

"That the Indian Tariff Board has received an application from the Hindustani Type Foundry, Allahabad, asking that measures be taken to assist the type-making industry in India either by lowering the existing 15 per cent. import duty upon the

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printing industry, in regard to the industry of type founders and various other classes of goods which they had included and which he now finds would be adversely affected by the proposals embodied in the original Bill. I therefore, think, Sir, that very much more attention has to be bestowed on this matter than it has been possible for the Select Committee to do, and I do hope that the Government will accept my motion and have this matter re-examined again by the Select Committee.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber · Indian Commerce) : Sir, I rise at this stage, because I want to tell the House, and especially my friend Mr. Rangaswamy Iyengar, that the point which he has just now mentioned did not escape the attention of the Select Committee. The first point that struck us in the Select Committee was, whether the revenues of India and the budget position as forecasted by the Honourable the Finance Member, could stand this substantial decrease in revenue which would, for the six months now to be gone through, amount to 42 lakhs of rupees. But we felt, Sir, that as the Government came out with the suggestion of this remission of Rs. 85 lakhs, it was not for the Select Committee to go into the financial side of the question. We took it for granted that the Government of India had satisfied themselves that the revenue and the budget position did admit of this substantial reduction, and I propose, Sir, simply to leave this matter here Perhaps if the Honourable the Finance Member thinks it necessary, he might enlighten us further on this matter.

But the main question raised b[illegible] ngar is, whether the whole remission of [illegible] this Bill will go to the benefit of the [illegible] that was definitely given to us in the Se[illegible] the Commerce Member was 'No' I do not think that the Government of India claim that they have yet a scientific method of adjusting taxation, and I say—subject to correction by the Honourable the Finance Member—that a truly scientific system of adjusting taxation has yet to be devised. A reference to the Schedules attached to the Bill, *especially* under Item 8 of the Schedule, will show that the items marked 18A, B, C and D do not include only items of machinery concerning the textile industry, and the Honourable Member in charge told us that these items *18-A, B, C* and *D* which were taken from the present Tariff Act, were settled by a committee of experts and that it would be dangerous and cause a lot of confusion if any changes were made in them. Sir, it is easy to say on what items we want to have reduction in import duty, but it would be very difficult for the customs authorities to distinguish *those* items that we really want for the textile industry from others of a very similar kind required for other industries, and hence the Select Committee accepted the explanation of the Honourable Member *in charge* when he almost pressed us not to disturb the various items included under 18-A, B, C and D. The only inevitable result is and *must be that* you must include in some of the items articles which would not benefit the textile industry.

Now, Sir, I was one of those who had doubts about some items like types, lead, etc., and I made it a condition when I signed the *Report* that if from further information which I was trying to get I found that

to such an item. Sir, on the point as to whether this imported artificial silk yarn has at all had any prejudicial effect on the indigenous silk industry, I do not know whether my Honourable friend, Sir George Rainy, cares to read the Bengal papers. I have read one letter in the press coming from a place called Plassey. The name perhaps is not quite unfamiliar to the Honourable Member. It happens to be one of the centres of the struggling silk industry in Bengal And here is an appeal made to the legislators of this House by a man who evidently knows very much about this subject. The appeal is to oppose the Government in their proposed reduction of this duty. This is what it says :

"The Government are not taking into consideration one very important question in this connexion. The condition of the Indian Silk Industry (I mean the industry of natural silk) will be seriously jeopardised, if further facilities are given to those European industries which are backed by enormous capital and do not, therefore, need any preferential treatment from the Government of India. In other silk-producing countries, the culture of silk is encouraged and the industry protected and developed by State bounty But the attitude of our Government in this respect is too well known."

Then later on the writer proceeds to observe as follows :

"The heavy influx of artificial silk in our markets at this stage has been gradually driving out the natural silk from its own field of local consumption.

I therefore bring the real facts to the notice of our legislators, so that they may not pass this question over without due consideration, when it will come up for discussion in the Assembly at its next session."

Sir, I do claim that some attention is due to this opinion from Bengal.

Sir, there are few other provinces which are interested also in this question. Bihar and Orissa, for instance, Assam, and the Central Provinces, not to mention the two important Indian States of Mysore and Kashmir. I do beg of Government to have a little more time to consult all these Local Governments, if not the State, before they come to any decision on the matter. From this point of view also I think that the matter ought to be referred back to the Select Committee.

The Honourable Sir Basil Blackett (Finance Member) : Sir, the Honourable the Mover of this amendment desires the recommittal of this Bill for two main reasons. One is in regard to the individual items included in the Schedule, some of which he desires to be re-examined on protectionist grounds.

The other purpose in moving this amendment is in connection with the effect of the Bill on the finances of this year and of the following years. I will leave in the very capable hands of my Honourable colleague the Commerce Member the defence of the relief of taxation in regard to particular duties, including artificial silk, which have been raised by speakers thus far. I would only gently chide Mr. Neogy for his attack on the Government for rushing this measure. That is not the complaint that has generally been made against the Government over the way in which it has dealt with the Cotton Tariff Report. The Honourable Member who moved the motion quite rightly said that this measure has a very serious effect on the general financial position and I make no complaint that he desires that the connection of this Bill with the Budget for the year and for future years should be examined in public in this Assembly. The effect of this Bill is to threaten a reduction of something over Rs. 40 lakhs in the year 1927-28 and something between Rs. 80 and Rs. 90 lakhs in the year 1928-29. That is certainly not an entirely pleasant proposal

[Sir Basil Blackett.]

from the point of view of the Finance Department at any time. We are of course always in a difficulty with a Tariff Bill. When a Tariff Report comes out which cannot be dealt with at the beginning of the year at the time of the Budget, and it is proposed in the middle of the year to deal with it, and additional revenue comes in, the hard-hearted Finance Member is accused of pocketing for his own benefit out of the hard-earned savings of the people money which should otherwise be applied, and it is suggested that it is not so much the stricken industry in question that is being protected as the exchequer of the Government of India. If, however, the opposite happens the Finance Member is quite rightly assailed for allowing his budget estimates of the year to be upset in the middle of the year by loss of revenue, which is given up not on grounds connected with the finances of the country but on fiscal grounds We are in a real difficulty in the matter, and it is only possible to deal with each case as it arises In this case, the Tariff Board recommended, among other things, that the duty on certain machinery and mill stores should be abolished in the interests of the cotton mill industry. They suggested that it should be abolished only for the purposes of the cotton mill industry and not generally. That involved special treatment of a particular industry and is open to general objections on the ground of principle. It is not desirable that you should have an import duty, which is supposed to fall equally on all, and then not collect it on a particular industry while allowing it to continue to fall on other industries. That is particularly so when *prima facie* the duty is objectionable in principle A duty falling on machinery, so long as it is imposed purely for revenue purposes, is obviously in the nature of a tax imposed on the raw material. It adds to the cost of the finished product, and is therefore open to objection It has been clear for some time that our very high revenue tariff as it was left after the big rise that took place in 1921-22 is objectionably high in certain directions in a way that is damaging to the interests of industries in general in the country, and we had been looking forward for some time to the opportunity of being able to reduce particular duties at some future date That could only be done, of course, if revenue is available for the purpose. Here, we found ourselves faced with the recommendation of a Tariff Committee, which was to reduce these duties in the interests of a particular industry We did not find ourselves in a position to accept all the recommendations of that Committee, and that perhaps strengthened the reasons for accepting these particular recommendations if we could possibly do so. We felt we could not possibly do so in the form proposed by the Tariff Board, that is, give a specially privileged position to one particular industry as compared to the others We were faced, therefore, with the question, " Could we afford something over Rs 40 lakhs this year and something over Rs. 80 lakhs next year " ?

Mr. A. Rangaswami Iyengar : And in subsequent years.

The Honourable Sir Basil Blackett : And in subsequent years. First of all, as regards this year, as the House is aware, there is no margin as a rule in the Indian Budget. It is not framed with a view to ending with any large surplus. A predecessor of mine once said that nothing is laid aside each year in the Budget against a rainless day, and I am sorry to say that I had not the foresight to lay anything aside against

a Rainy day. (Laughter.) What was the poor Finance Member to do ? We could not possibly postpone, as proposed by the Mover of this motion, any question of assistance to the cotton mill industry until the next Budget. That is the effect of this motion for recommittal, because it is obvious that the matter could not be taken very much further during the present Session if an attempt was made to recommit the Bill for the elaborate, purpose proposed by those who have spoken in favour of this motion. The only thing therefore to do was either to regret our inability to assist the mill industry altogether, or to do what we regarded as wrong in principle, namely, to give a privileged position in the matter of customs duty to a particular industry, or to set free from duty as many of these articles of machinery as possible in the interests, first of all of the mill industry, and secondly of the industries of the country as a whole We found ourselves faced, therefore, with this position, and there was no margin. Fortunately, however, my Honourable friend Sir George Rainy promises to return to me, at any rate so far as this year is concerned, some portion of the 40 odd lakhs that we are giving up in the form of additional receipts from the Railways I cannot, of course, at this stage, and still less could I at the stage when a decision had to be reached, foresee how the year was going to work out Up to date there is no particular reason to suppose that the estimates of revenue generally will be exceeded There is no particular reason either to suppose that the estimates of expenditure will fall far short, if at all short, of what was provided for In the particular matter of railway receipts, as things stand at present, there does appear to be a prospect that Sir George Rainy will give me back on the swings what he is taking away on the round-abouts As regards next year, it is obviously impossible at this stage to make any useful guess as to what the situation will be. If things go well, we shall certainly find ourselves in a better position than we were at the beginning of this year The automatic effect of the sinking fund provision is always to leave some margin at the beginning of the next year On the other hand, this year we are, as the House is aware, giving considerable hostages to fortune in the matter of the provincial contributions All that I can say as regards next year is that this 80 lakhs is an additional Rs 80 lakhs over and above the Rs 1½ crores which we have to find either by economies or by some other means in order to balance the Budget next year without calling for the renewal of the provincial contributions I cannot, I think, usefully say more than that, but my object in rising to-day is to make clear to the House that the matter has been very fully and carefully considered by the Government of India and by the Finance Department, and that, all the pros and cons being weighed, we did feel that the recommendation made by the Tariff Board in favour of the cotton mill industry was one which we could not reject and that the only way in which we could accept it, or which would be in accordance with principle, would be to allow such remission as we gave to apply to machinery imported for the purpose of all industries and not only to machinery imported for the purpose of one particular industry.

Mr. N. C. Kelkar (Bombay Central Division : Non-Muhammadan Rural) : I rise to support the amendment of my Honourable friend, Mr. Rangaswami Iyengar. The net result of the Report of the S[illegible] Committee is to open the question of the tariff schedule at many p[illegible]

[Mr. N. C. Kelkar.]

and as my Honourable friend Sir Purshotamdas Thakurdas has pointed out, since this Report was known abroad a number of complaints have been received with regard to the Report and an amount of valuable material bearing on the points covered by the Report has also been received. Now, Sir, I quite admit that the proper moment for reopening the tariff schedule is really the month of February, that is, once a year. But if the Honourable the Commerce Member thinks that certain matters are so urgent that the tariff schedule may be reopened even in the middle of the year, then I contend he cannot insist upon opening at one end only. It must be reopened at either end, namely, in the direction of reduction as well as in the direction of enhancement, where reduction may be necessary or where enhancement may be necessary. There may be some delay, of course, if this Bill is recommitted to the Select Committee. But I think that the delay is unavoidable, and that delay is necessary in view of the contest that lies on many of the points covered by the report of the Select Committee.

My Honourable friend, Mr. Neogy, has already referred to the complaint in relation to the type foundry industry, and I have received a similar complaint from the Bombay type foundry industry. I will just place before the House a resolution passed at a meeting of the type foundry owners of Bombay on Tuesday, the 30th August 1927. The Resolution is as follows:

"This meeting of the Type Foundry Owners in Bombay, held on 30th August 1927, strongly protest against the amendment of the Indian Tariff Act of 1894, so far as it affects Types, Leads, Lead and Brass Rules by the proposed removal of duties thereon as the same will be detrimental and suicidal to the infant Type Foundry industry of this country and request the Government that with a view to protect and strengthen it, the existing duty on the above articles be enhanced to at least 15 per cent. *ad valorem*."

The House will at once see that the ground of contest lies as wide as from the total removal of the duty to enhancing the duty to full 15 per cent. The field is very large, and the contest is, of course, very keen. Therefore, it could not be said that if you keep the duty only at 2½ per cent., or I will go further and say, if you keep it at 7½ per cent., the objection is not removed, for, as has been pointed out, I think, in the representation by the Chairman of the meeting of the Type Foundry Owners in Bombay to the Secretary to the Government of India in the Commerce Department, the fact is this. Even if you raise the duty to 7½ per cent. instead of removing it altogether, still a large disadvantage remains to this industry and in this way. There is, in the first place, the 12½ per cent. disadvantage owing to the ratio, and then, really speaking, the duty should be, as in other cases, at full 15 per cent. But instead of that, instead of having it at 15 per cent., if you only keep it at 7½ per cent., it comes to this, there is 12½ per cent. owing to exchange, 15 per cent. not being there, that means a total of 27½ per cent., and you propose to remove the disadvantage to the extent of 7½ per cent. That means that the industry remains at a disadvantage still to the extent of 20 per cent. That, I think, is a legitimate complaint. The reasons for reopening the subject and having the full revenue duty are, briefly, these. At present, the raw material of this industry is taxed at 15 per cent., but curiously enough, whereas the raw material is taxed the finished products are not taxed if the duty is

totally removed. This type foundry industry is altogether new to this country. It has come into existence practically since the war and it has already begun to feel the pinch of competition with the German imports. Therefore, it is up to the Government to enhance the duty to the full 15 per cent. on the type foundry materials, so that protection may be given to the home industry. That, I suppose, makes out a case for reopening the question. No one is satisfied with the removal of the duty, no one is satisfied with the imposition of 2½ per cent. duty, and no one will be satisfied even if the duty is imposed at 7½ per cent. The demand is for full 15 per cent., and that is a question which I submit deserves to be considered in the Select Committee.

Pandit Hirday Nath Kunzru (Agra Division . Non-Muhammadan Rural) : Sir, I claim no infallibility for the Select Committee, but as one of its members, I must say that the Committee was not quite as negligent of the various interests which the Bill is concerned with as one might think from the speeches of the Honourable Members who have opposed the motion of my Honourable friend, Sir George Rainy. The question of the type industry was specifically considered, as has been asknowledged by my Honourable friend, Mr Neogy. The Select Committee agreed to delete the word " type " from paragraph 8, Item 18-C of the Schedule to the Bill As regards the rest of the things to which Mr. Kelkar has referred, the opinion of the type foundries was specially invited, both from Allahabad and Bombay, and it is in accordance with the opinions forwarded by them that the Honourable the Commerce Member has agreed to delete certain items from paragraph 8, Item 18-C. namely, brass rules, galleys, etc.

Mr. N. C. Kelkar : Did you concede the full demand of that industry ?

Mr. A. Rangaswami Iyengar : We have conceded that in our speeches.

Pandit Hirday Nath Kunzru : You did, but Mr. Kelkar does not. As regards Mr Kelkar's question, I will answer it presently. I have not explained the situation fully yet. There is the question of increasing the duty on type and other things so as to help the Indian type industry That was a point the consideration of which was not omitted by the Select Committee. We were, however, informed by the Honourable the Commerce Member that the subject had been referred to the Tariff Board and that if the Board recommended that protection should be given to this industry it would. We would thus have another opportunity of discussing the matter and of increasing the duty should that be considered necessary. The Select Committee only concerned itself with seeing that the duty was not lowered below the existing level. We were not willing that, pending the grant of protection to the type industry, the little benefit that it enjoyed by the imposition of the duty of 2½ per cent. on foreign type should be taken away from it We only agreed that the question of protection should be considered at a later stage when the Tariff Board presented its report

Sir Purshotamdas Thakurdas : We had no option.

Pandit Hirday Nath Kunzru : Because we did not know what the amount of protection would be that would be needed by the indigenous industry.

[Pandit Hirday Nath Kunzru.]

Then, Sir, as regards artificial silk that was a point that was raised in this House and also considered by the Select Committee, and I for one thought that even those who had objected to the lowering of the duty on artificial silk yarn agreed that there was no harm in the course adopted by Government It was pointed out both in the House and in the Select Committee that the difference between the prices of real and artificial silk was so great that there could scarcely be any reasonable fear that artificial silk would be used in place of real silk. An Honourable Member says that we were in the region of opinions, and not of facts, when it was accepted by us that real silk sold at 5¼ rupees per pound while the price of artificial silk was 1-12-0 per pound.

Sir Victor Sassoon : "I buy it at that rate " The members of the Select Committee who know these things and who are connected with commerce and industry including my Honourable friend Sir Purshotamdas Thakurdas did not challenge these figures It did not seem therefore to the members of the Select Committee that any harm would be done to the indigenous silk industry if artificial silk were subjected to a lower duty. On the contrary it seemed to us that so long as there was no competition between foreign and home products it might be well to let cheap artificial silk come in so that the handloom weavers might benefit thereby

Mr K. C. Neogy . You are a friend of the handloom weavers

Pandit Hirday Nath Kunzru I believe we shall prove to be better friends of the handloom weavers than those Honourable Members who wished to help them yesterday at the expense of the indigenous industries.

The third point is that the Select Committee considered whether any of the exemptions proposed in the Bill would hurt the handloom industry, That was a point to which special attention was devoted by my Honourable friend Mr C Duraiswami Aiyengar and after he had gone through paragraph 8 Items 18-A and 18-B I at any rate thought that he was satisfied that the handloom industry would be under no greater disadvantage than at present.

Mr. A. Rangaswami Iyengar : There is a dissenting minute by Mr Duraiswami Aiyangar

Pandit Hirday Nath Kunzru : I was quite surprised when I saw this dissenting minute. We went through paragraph 8, 18-A and 18-B item by item and I do not remember that any objection was urged on behalf of the handloom industry to the inclusion of any item mentioned in this paragraph.

Lastly, with regard to the financial question I may say that, as explained by Sir Purshotamdas Thakurdas, we simply took the point of view that our revenues could bear a loss of 85 lakhs We knew that the Tariff Board had recommended an exemption to the extent of 50 lakhs Now it was evident on the showing of the Tariff Board themselves that the exemption of duty could not be entirely confined to the textile industries It seemed to be impossible to devise any way which would not be open to objection of exempting particular articles from duty and confining the benefit of the exemption only to millowners. It

was evident therefore that, while the textile industry would gain largely as a result of the recommendations of the Tariff Board, other users of machinery would also benefit partly. Now the Tariff Board recommended that an exemption of about 50 lakhs should be granted. We may take it, considering the benefit that would have accrued to other industries, that we would have had to make an exemption of about 65 or 70 lakhs. Thus at the outside there may be an unjustifiable loss of revenue to the tune of 15 or 20 lakhs. On that point too the Select Committee considered the matter as carefully as it could within the short time at its disposal. It examined Mr. Lloyd of the Central Board of Revenue and after hearing both what he and Sir George Rainy had to say we came regretfully to the conclusion that there was no means of altering the Schedules to the Bill before us in such a way as to benefit the textile industry and at the same time to save the State from an appreciable loss of revenue. That, we were told, would have involved such an elaboration of the tariff and such a prolonged inquiry as would have prevented us from giving that help to the textile industry which it needed and which we were all desirous of giving to it. It was after taking all these things into consideration, that the Select Committee made the recommendations contained in its Report. It may be that the Select Committee was mistaken in one or two respects but it did not do its work half as perfunctorily as one may suppose from the speeches of Honourable Members who have attacked its Report.

Mr Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : I rise to support the amendment of my Honourable friend Mr. Rangaswami Iyengar. Before doing so I would like with your permission, Sir, to refer to a short notice question of which I had given notice. I understand, Sir, that it has been placed on record that I was absent when the question was reached when as a matter of fact I did not even know that the question was admitted ; if you will permit me.....

Mr. President : Is it for this purpose that the Honourable Member has risen ?

Mr. Jamnadas M Mehta : If you will permit me, Sir.....

Mr President : Will the Honourable Member restrict himself to the motion before the House ?

Mr Jamnadas M. Mehta : Very well, Sir. I confess, Sir, that the result of the division yesterday was very disappointing to me. But if it disappoints it does not discourage, because I believe that truth must be adhered to all along and always. To-day, Sir, I wish to raise two or three questions of importance in connection with this Bill. This is the second Bill which professes to give some protection to the mill industry. I think, Sir, the principles of protection were laid down by the Fiscal Commission and were subsequently followed by Sir George Rainy himself in the Tata iron and steel inquiry, and if I am not very much mistaken the main principle was that if, as a result of an inquiry, you decided to give protection to any industry, then you should give adequate protection. Inadequate protection, it was stated, was worse than no protection at all. Consider the strain on the consumer ; consider your finances ; consider the question from every point of view ; but once having decided to give protection give *adequate protection or none at all* ; that is the right principle of protection ; if you do not give adequate protection you waste so much public money. You penalise the consumer

[Mr. Jamnadas M. Mehta.]

without any advantage and in the end the industry gets no real assistance. The consumer consents or must consent to some temporary sacrifice and inconvenience, because as a result of the internal competition that will set in on account of protection he will get the protected article much cheaper.....

12 NOON.

Mr President: Order, order. The Honourable Member must speak to the motion. The motion before the House is that the Bill be recommitted to the Select Committee.

Mr. Jamnadas M. Mehta: And I say, Sir, that it should be recommitted This Bill does not give any real protection to the mill industry as it professes to do. I am pointing out that any measure which does not give adequate protection is against the findings and recommendations of the Fiscal Commission

Mr President: I am afraid it is too far-fetched an argument for the purposes of the motion.

Mr Jamnadas M. Mehta: Is it far-fetched to show that this Bill gives no adequate protection and is therefore against the principle of protection ?

Mr President: I have already said so

Mr. Jamnadas M. Mehta: It is far-fetched ; very well. Then even if the Bill violates the principles of protection I should not say anything.. .

Mr. President: The Honourable Member must confine himself to the motion before the House. I have often noticed that the Honourable Member begins from the commencement of the history of the question on which he speaks.

Mr. Jamnadas M Mehta: With all respect, Sir, that is not correct.

Mr. President: Will the Honourable Member confine himself to the motion before the House ?

Mr. Jamnadas M Mehta: And I submit with the greatest respect that I am entitled to show that the Bill does not give adequate protection.....

Mr. President: And the Chair has ruled that the Honourable Member is not entitled to do so on this particular motion

Mr. Jamnadas M. Mehta: Thank you, Sir. If I must be ruled out of order my only course is to show that this so-called protection, must not be given on other grounds It has been stated that the full effect of this Bill on the revenues of this country would be a loss of 85 lakhs a year while the benefit to the mill industry would be only 50 lakhs. The figures given by the Tariff Board show that this country manufactures about 680 million yards of yarn and uses 700 million pounds of yarn for the manufacture of cloth ; so that the stores and machinery used for the manufacture of yarn and cloth are 686 million pounds *plus* 705 million pounds ; which means that first of all in the process of manufacturing the yarn and secondly in the process of manufacturing cloth

out of that yarn, the machinery and stores required will be spread over 1,400 millions of pounds of yarn. And the relief according to the Tariff Board in a full year is 50 lakhs, which is 5 millions of rupees. So the relief to the mill industry for 1,400 million pounds of yarn will be 5 millions of rupees, which works out at barely half a pie per pound of yarn. And if the reduction of the cost of production by half a pie per pound on yarn is the only protection that is given to this industry for the loss of 85 lakhs of revenue, I do not think that the tax-payer should be mulcted out of that 85 lakhs of rupees. Because, if there is any object in protection, the object is that the industry should be able to stand against foreign competition as a result of the reduction in the cost of production by the remission of duty. But I have still to learn that a reduction of half a pie per pound in the cost of production will have the remotest chance of assisting the industry in competing with foreign imports. And if that is not so, Sir, the result of the remission of duty on machinery and stores which we are asked to make to-day, amounts only to so much remission of taxation, and this Bill is not a measure of protection but a measure of relief to the tax-payer. Therefore, it becomes necessary to see whether it is desirable that a remission of taxation should be undertaken at this stage, and if it must be undertaken, whether these particular articles ought to have priority or whether there is any other claimant who demands and deserves priority. I submit that on a proper consideration of the case it will be found that if this measure is merely a measure for relief of taxation, then, Sir, between those who are to benefit by this measure and those other claimants to relief, the House must give priority to the latter. There is the poor man who pays the salt tax ; there is the man who is being penalised by the half anna postcard and high railway rates and fares ; and there is lastly the tax-payer who is being mulcted to the tune of 5 crores a year in the name of debt redemption. These people, Sir, I claim have a prior right to relief than the importers of machinery, the result of which relief will be that foreign manufacturers, mainly English, will be the real gainers by this measure In ancient times, Sir, all roads used to lead to Rome. In modern times, in India at least, all measures lead to the relief of England. That is the misfortune of this country. This is the third time in the last eight months, Sir, that a measure which pretends to give protection to an Indian industry is being used really for the purpose of benefiting the alien manufacturers and importers. If you must give relief, have you examined whether these other claimants to whom I have referred have a better claim than the importers of machinery and manufacturers abroad or not ? The House must without hesitation come to the conclusion that if the mill industry benefits only to the tune of half a pie per pound—which works out to a relief of something like Re. 1 in Rs 288—if that is the only shadowy and imaginary reduction in the cost of production to the mill industry, and if the measure is really to operate to the relief of importers of foreign machinery and of foreign manufacturers, then, Sir, I submit this House ought to halt and consider whether priority in the matter of relief should not be given to more deserving claimants than those who are being benefited under this measure. That is the submission which I make to this House. Lastly, I associate myself with my friend Mr. Kelkar in what he has said about type foundries and the disabilities under which they are labouring As my friend Mr. Kunzru has said, the matter is under

[Mr. Jamnadas M. Mehta.]

the consideration of the Tariff Board and therefore we have no alternative but to wait. And I agree with my friend Mr. Kunzru that whatever could be done in the Select Committee has been done and the amendment standing in the name of the Honourable the Commerce Member also indicates that that question has been considered. But apart from that, Sir, I do not see the slightest reason why this 85 lakhs of rupees should be given away. The Indian treasury is not overflowing with money, I understand, but if it is and relief to the tax-payer can be given, I submit once for all that the claimants to whom I have referred must be given priority.

Mr. N M. Joshi (Nominated : Labour Interests) : Sir, I was somewhat surprised at the attitude of some of the speakers on this occasion. It was said by my Honourable friend Mr. Jamnadas Mehta that the mill industry is in great trouble at present. I feel, Sir, that if the mill industry is in great trouble at present, it is due to the fact that the cloth which is being produced is dearer compared to the purchasing power of the consumers. If we agree to this that the main difficulty of the mill industry is due to the fact that the poor people do not possess sufficient purchasing power, I think, Sir, the method of protection which is adopted in this Bill is the right method of protection. This is a method of protection by which cloth is likely to be cheaper than to-day and if we cheapen cloth, there will be greater sale of cloth and on the whole the mill industry will begin to prosper I am therefore surprised that those who want that the mill industry should prosper should on some ground oppose this measure

Then, Sir, I am also surprised at the solicitude shown by some members of the Swaraj Party for the revenues of the Government of India.

Mr. A Rangaswami Iyengar : Not for the revenues, the tax-payers, please.

Mr. N. M. Joshi : Tax-payers. All right Now, Sir, the tax-payers' taxes are being reduced, not increased, and if their solicitude .

Mr. A Rangaswami Iyengar : Which is the tax-payer ?

Mr. N. M. Joshi : I am coming to that point. Sir, they are therefore solicitous about the revenues of the Government of India and I am in one sense glad that after all the members of that Party have begun to take interest in the welfare of the Government of India. (*Laughter*.) Now, Sir, there is the question of the reduction of taxation and which form of taxation should have priority I am one of those people who believe that the indirect taxes of the Government of India are much larger compared to the direct. The Taxation Committee's Report has made it clear that the indirect taxation has gone up so much that the Government of India should take steps to reduce that In conformity with this suggestion of the Taxation Committee's Report, the Government of India's proposals are at least much better than other proposals which have been approved of by the members of the opposing party. Now, Sir, there is no doubt that if the salt tax had been reduced instead of the tax on machinery being reduced, I should have preferred it. (Hear, hear.) But let the Members who oppose it remember that if the salt tax was not reduced the responsibility for that at least partly

was due to the fact that many members of that party were not present at the time of the voting.

Mr. President: The Honourable Member is merely criticising the Party and not the Bill.

Mr. N. M. Joshi: Sir, I was only showing that if the salt tax was not reduced.....

Mr. President: Order, order.

Mr. N. M. Joshi: I am not going into that matter. But, Sir, leaving aside the salt tax (Laughter), let us take taxation as a whole, and from that point of view the proposals of reducing taxation on machinery which enters into production is a much better reduction of taxation than any other taxation that may be reduced.

Mr. A Rangaswami Iyengar: Not even postage ?

Mr. N. M. Joshi: Well, Sir, you will not allow me to discuss postage. But if you ask my opinion in one word as regards postage, I feel that the reduction of taxation which enters into production of articles consumed by the poorest people must be given priority.

Mr. President. Order, order. The Chair has noticed that some Members of this House have made particular questions their own and they refer to them over and over again, no matter what the question under discussion is.

Mr. N. M. Joshi: Unfortunately, Sir, this question of the priority of taxation did crop up So, both from the point of view that cloth will be cheapened if we adopt this Bill and from the point of view that the indirect taxation of the Government of India will be reduced, as recommended by the Taxation Committee, I hope, Sir, that this House will adopt this motion.

The Honourable Sir George Rainy: Sir, my Honourable colleague, the Finance Member, has already dealt with one aspect of the motion for recommittal moved by my friend Mr. Rangaswami Iyengar. I shall therefore confine myself to the other aspect of the case and the reasons given by various Members why the Bill should be recommitted. One of these reasons came to me with a certain shock of surprise, because it had not occurred to me that intemperate haste was a plausible accusation which could be brought against the Government in this matter. The Honourable Mover suggested that the Schedule to the Bill had been hastily compiled, that it appeared that the matter had not been fully considered, and in particular that it had not been considered to what extent the sacrifice of revenue by the removal of the duty on particular articles would actually accrue to the benefit of the cotton mill industry. Now, Mr. President, I took some pains when I moved the motion for referring the Bill to a Select Committee to explain that, so far as the various materials are concerned—I put aside for the moment the question of machinery—that so far as these materials are concerned, the list of stores contained in the Tariff Board Report had been carefully scrutinised by the Government of India in order to select those articles where the removal of the duty would benefit the cotton mill industry substantially, that is to say, where the cotton mills were the principal consumers. I gave one or two examples in that speech to illustrate the kind of test that the Government of India had applied

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in arriving at the list embodied in the Bill. One of them I gave was aniline and alizarine dye, where the sacrifice of revenue is about Rs. 25 lakhs and where it is expected that three-fourths of that sum would accrue to the benefit of the cotton mill industry. But there are several other cases that could be given There is the case of starch where the port of Bombay takes 87 per cent of the imports and where it appears extremely probable that the cotton mills take over 80 per cent. of the total imports. Another case is tallow. The port of Bombay takes 84 per cent. of the imports There again the natural inference is that the reason why so much of the tallow goes to Bombay is the requirements of the cotton mills I could give several other examples, but I do not want to go into too much detail On the other hand, we excluded from the Schedule those materials where the removal of the duty would probably accrue mostly to the benefit of other industries As an example of that, I might take soda ash where Bengal takes 58 per cent of the imports and Bombay less than 15 per cent. It is obvious that if we removed that duty the greater part of the benefit would not go to the cotton mills. Therefore, we left that duty alone. Another example was caustic soda, where Bombay took only 18 per cent. of the imports, and it was obvious that the cotton mills were not the principal consumers Now, all that was done before the Government of India published their Resolution on the 7th June. If there had been any strong reason why the duty should not be removed from any of these stores, I should have expected that long ere this the matter would have been made very plain, and that in all probability when the reference to the Select Committee was moved Members would have risen to point out that it was not desirable that the duty should be removed from particular articles Then, again, I should have expected that when the Bill returned from the Select Committee, notice would have been given of a number of amendments suggesting that the duty should not be removed from some of these stores. But what is the actual state of affairs ? I do not think any Honourable Member raised a question of that kind in the discussion for a reference to the Select Committee. The only omission from the list of which notice has been given is that of artificial silk yarn. Therefore, I think, Mr. President, that no case has been made out at all as regards a recommittal of the Bill with regard to the particular stores which are enumerated in the Schedule to the Bill. As regards the artificial silk yarn, I think it will be convenient if I defer anything I have to say until the motion for the omission of this item is moved by one or other of the two Honourable Members who have given notice of amendments. In any case, that is a matter which the Assembly could perfectly well decide for itself It is a very simple question whether or not the duty on artificial silk yarn should be reduced from 15 per cent. to 7½ per cent., and there would be no necessity on that particular matter to refer the Bill back to the Select Committee.

I come now to the question of machinery. Before dealing with the point raised by my friend Mr. Kelkar about printing materials, I should like to say a word on the more general aspect of the case. Here, again, the proposals of the Government of India were made public on the 7th of June last, and if there had been a strong feeling on the part of manufacturers in India that their interests were likely to be seriously injured by the removal of the 2½ per cent. of duty on machinery, I should have expected that

to-day Members would have been springing up from all over the House with specific proposals or with specific objections to the removal of the duty from a particular kind of machinery. I have listened with interest to the debate of to-day, but except as regards the printing materials such as type, brass rules, and so on, I have not heard any specific case brought forward, and I think it is a fair inference in the circumstances that it is not likely that the removal of this duty will materially injure any manufacturing industry in this country. Nevertheless, it will always be open to the manufacturers of any particular kind of machinery to approach the Tariff Board or to approach the Government of India and to raise the question whether, in fairness, some duty ought not to be imposed on the particular kind of machinery they make.

I will now come to the point raised by my friend Mr. Kelkar as regards the printing materials, of which the most prominent example is printing type. That was a question which definitely came before the Select Committee, and I was particularly anxious to meet the wishes expressed by various Honourable Members on that point because probably it was not realised at the time when our Resolution of the 7th of June was published that our proposals covered printing machinery and materials. Very likely a good many of the type-making firms did not realise what was intended until the Bill was actually published Therefore, in the Select Committee I agreed that the *status quo* should be maintained where possible. The Committee itself omitted printing type from the Schedule and I undertook to make inquiries to see whether it would be administratively possible to maintain the *status quo* with regard to certain other items also. I made these inquiries and the result is the amendment to the Bill which now stands in my name. The effect of the amendment is merely to maintain the *status quo* with regard to the articles. In the circumstances, that seems to be fair and reasonable. But my friend Mr Kelkar says that the Select Committee ought to have gone further and therefore he would refer the Bill back to the Select Committee in order that they may reconsider the matter. What he desires the Select Committee to do is to consider the question of imposing a protective duty, in the interests of the type manufacturers, on these various articles which are enumerated in my amendment. Mr. President, this seems to me to be quite outside the scope of the Bill I am not raising a point of order ; it is a point of substance. After all, this Bill is a Bill for the reduction and removal of duties On the question of the amount of protection that may be required by the manufacturers of types in India, there is really no information of any kind before the House except that my Honourable friend Mr. Kelkar has told us what the type manufacturers think they ought to get I think it is quite clear, Mr. President, that if the Bill was referred back to the Select Committee, they would find themselves in a position in which they could make no recommendation whatever. As Mr. Neogy has pointed out, there is already an application in connection with the manufacture of type pending before the Tariff Board Obviously, the thing to do is to wait until the Tariff Board have considered that matter and, meanwhile, to maintain the *status quo*.

I do not think it is necessary, Mr President, that I should reply in detail to the speech of my Honourable friend Mr Jamnadas Mehta, which was definitely a speech, not in favour of the motion for recommittal, but against the consideration of the Report of the Select Committee. I would only say this that, as far as I can make out, all classes have his sympathy

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except the consumer, and he is prepared to assist the Bombay millowners provided it is done in exactly the way that he considers is the best. But if it is not done in that way, then it is impossible to secure his vote. I fear I must, therefore, abandon the hope of securing his vote for the motion I have moved to-day.

Mr. President: The original question was:

"That the Bill further to amend the Indian Tariff Act, 1894, as reported by the Select Committee be taken into consideration."

Since which the following amendment has been moved:

"That the Bill as reported by the Select Committee be recommitted to that Committee"

The question I have to put is that that amendment be made.

The motion was negatived.

Mr. President: The question now is.

"That the Bill further to amend the Indian Tariff Act, 1894, as reported by the Select Committee be taken into consideration"

The motion was adopted.

Mr. President: The question is:

"That clause 2 do stand part of the Bill"

The motion was adopted

Clause 2 was added to the Bill.

Mr. President: If Honourable Members desire that the Chair should determine the result of voting by voices properly, they should cry out "Aye" or "No".

Mr. President: The question is:

"That the Schedule do stand part of the Bill"

The Honourable Sir George Rainy: Sir, I move

"In paragraph 8 of the Schedule to the Bill, in the proposed item 18 C, the words 'brass rules' and the words 'leads, wooden and metal quoins, shooting sticks and galleys' and the words, 'metal furniture,' be omitted"

This amendment, Mr. President, is closely connected with a consequential amendment in this Bill which will be moved later As I explained a few minutes ago, the object of this amendment is to maintain the *status quo* in the case of the various printing materials enumerated in the amendment. If this amendment is not passed, the effect will be that the $2\frac{1}{2}$ per cent. duty will be removed from these materials. It is considered desirable that the duty should be retained for the present in order to avoid prejudice to the manufacture of printing type and similar articles, an industry which has recently been started in India. At least one firm connected with that industry has an application pending before the Tariff Board for protection. The Government of India consider that in the circumstances it is fair that the *status quo* should be maintained

Sir, I move.

The motion was adopted

Mr. M. S. Sesha Ayyangar (Madura and Ramnad *cum* Tinnevelly: Non-Muhammadan Rural): Sir, I beg to move that paragraph 10 of the Schedule to the Bill be omitted:

Sir, paragraph 10 states:

"After Item No. 43, under the heading 'yarns and textile fabrics' the following item shall be inserted, namely:

43 A|Artificial silk, yarn and * * * silk thread *Ad valorem*|7½ per cent."

Sir, this particular item came under the general heading "yarn and textile fabrics" which occurs in Item 100 of the present Tariff Act. The import duty levied thereon was 15 per cent. *ad valorem* Now, this particular Item is singled out of that particular denomination for favourable terms, namely that the import duty of this particular Item should be reduced from 15 per cent. to 7½ per cent I invite the attention of the House to the fact that no case has been made out by the Government for this partial treatment of this particular item. At a previous stage of the debate, when this Bill was referred to the Select Committee, I invited the attention of the House to the fact that this particular item needed some examination, rather a close examination. I naturally expected that the Honourable the Commerce Member, when he moved his motion to-day, would give us further information about this particular item, especially in virtue of the fact that two amendments have been tabled for discussion on this matter. But I was disappointed I might also at the outset submit to the House that so far as this particular item is concerned, though it came directly after the Tariff Board Report, it has no relation whatever to the findings of the Tariff Board Report; because nowhere in the Tariff Board's Report is any mention made of this particular item, artificial silk yarn and silk thread. The matter was not before the Tariff Board at all. But, in response to a request on my part for information upon this matter, the Honourable the Commerce Member was pleased to tell us in a previous stage of the Bill that this originated from a request made by the Bombay Chamber of Commerce This occurred about 16 or 17 months ago Later, the Honourable Member also added, that in April of this year when he was conferring with the millowners of Bombay, mention was also made of this fact But in the Government of India Resolution which was first published upon the recommendations of the Tariff Board—which virtually turned down the recommendations of the Tariff Board—this matter was not mentioned at all The House might also remember that there was a deputation of the millowners of Bombay which waited on His Excellency the Viceroy and we were informed that, in the course of the deputation, certain further extension of articles to be exempted from import duty were set forth by the millowners. We are not aware—at any rate it has not been mentioned—that in that deputation either, was any mention made of this particular item of artificial silk yarn and silk thread I take it, it was not mentioned at all by the deputationists But all the same, closely after that deputation when the Government of India issued a communiqué, dated the 7th June, the following passage was incorporated in that communiqué:

"The Government of India are anxious however to do whatever is possible to minimise the burden on the handloom industry With this object and also to facilitate the diversification of the mill production they have decided to include in the proposals to be placed before the Legislature a reduction from 15 per cent. to 7½ per cent. on the

[Mr. M. S. Sesha Ayyangar.]

duty on artificial silk yarn which is being used in increasing quantities both by the handloom weavers and by the cotton mills ".

Now, this is the first information that we had about the intention of the Government of India to bring in this particular item for this favourable treatment. Now, as I said, it is incumbent upon this House to see whether any case has been made out for the singling out of this item or for the favourable treatment of this item. My submission would be that absolutely no case has been made out for this favourable treatment. The House will also consider whether the sacrifice of revenue involved in this reduction of import duty is justified under any circumstances. In response to my request for information, it was said the other day that the total imports of artificial silk yarn from Italy amounted to 6 million lbs. and from the United Kingdom, about 6,50,000 lbs. And we were also informed that the price of this artificial silk yarn or thread was about Rs 1-12-0 a lb. Now, on a rough calculation of the import duty which this kind of yarn was paying to the Government, it comes to about 15 lakhs of rupees, and this suggested reduction of that by one-half will involve a sacrifice of about 7½ lakhs. Now I would ask the House to consider whether really there is any case made out for this sacrifice of 7½ lakhs of rupees. Now it may be possible, in fact, it will be commendable if the textile industry is protected by this introduction of a new item. I have been at some pains to get information as to whether this artificial silk yarn or thread is really used by the cotton mills of Bombay or elsewhere, or if it affords any relief at all to the textile industry. I was told that it does not really benefit the textile industry at all In fact, it does not give any relief whatsoever to the mills of Bombay or elsewhere in India But I have been told that this artificial silk yarn is used somewhat, in mills for the purpose of giving some finish to the piece-goods that are produced in the cotton mills of Bombay and elsewhere. Now, the only question then would be, whether there being no relief at all to the millowners and there being this advantage if at all in giving finish to piece-goods manufactured in Bombay,—whether to secure that end this large sacrifice of about 7½ lakhs of rupees is necessary I commend that matter to the House.

It was also said by the Honourable Sir George Rainy that by the introduction of this new item the branch of trade likely to benefit is the production of yarn and that the great bulk of that trade is in the hands of Italy. In support of that we were given the figures I have already brought to the notice of the House. Now I would submit that this measure, while not benefiting the millowner, while making it if at all available to the millowners to give some finish to their piece-goods, it does not at all benefit any other community or any other section of the people of India. But we were told in the Government communiqué, that I just now read out, that the object was to minimise the burden on the handloom industry. I really am unable to follow that nor has the Honourable the Commerce Member made it plain to me or anyone else in this House as to how this introduction of this new item is going to minimise the burden on the handloom industry. If, as I take it, he means to say that this handloom industry, seeing that under the earlier Tariff Act that was passed yesterday with the high percentage of duty

on yarn provided therein, may find relief in this imported artificial silk yarn for their use,—if that is what is meant by the Honourable the Commerce Member then I submit that is to argue in a vicious circle. If the handloom industry is to get relief, then the opposition that was put up yesterday should not have been negatived Now to say that by the introduction of this new item you hope to relieve or minimise the distress of the handloom industry upon which a burden is really cast by the passing of yesterday's Bill,—I submit that argument is not right.

Now the next object to which the communiqué refers is to facilitate a diversification of the mill production In fact, I am not aware of any diversification which will result in the end ; and I submit that both the objects which are specifically mentioned in this communiqué of Government have not been made out. Let us consider for a moment what could have been the intention, if at all, of introducing this new item. We were told yesterday by the Honourable the Commerce Member, and we know also from statistics, that so far as medium counts of yarn are concerned, China is importing very largely, and so far as silk also is concerned, we know as a matter of fact that we have increasing imports of silk goods from China. We were told yesterday that Italy takes no doubt the lead in imports of artificial silk yarn and the United Kingdom comes next. Now I have a shrewd suspicion that the intention of this may be to hit China and to prefer the United Kingdom and Italy in the long run That is my view. It was with that view in my mind that I put the question to the Honourable Member at an earlier stage of the discussion of this Bill ; but I have not been replied to by the Honourable Member ; and my misgivings to-day are not yet satisfied. I repeat that it looks to me as if the intention is more to hit China and to prefer Italy and the United Kingdom. It looks like a preference of the West to the East and I need not dilate upon that further or enlarge the argument. That seems to me the thing which underlies this proposal.

I may also suggest, as was pointed out by my Honourable friend Mr. Neogy, that he has received certain communications from Plassey. So far as Bengal, Assam and Bihar and Orissa are concerned, there is no doubt the silk industry is thriving now. Now it would indirectly hit the silk industry also. We were told the other day by the Honourable the Commerce Member that the relative prices of these two seem to be so far apart that it was not possible to conceive that the one industry would be hit by the other, because when silk piecegoods sell at Rs. 5¼ a yarn, artificial silk yarn sells at Rs. 1-12-0 a lb Now the Honourable the Commerce Member forgot this important fact, that when there is this counterfeit thing largely coming in, there will be a great impetus given to the introduction of artificial silk cloths and the vast bulk of the people of this country will take more and more to the fabric, artificial silk, in preference to the indigenous silk Now that is a point which cannot be overlooked, and that is a point which I dare say was overlooked by the Honourable the Commerce Member. Our apprehension in that direction is that the genuine silk industry will be very badly hit by the introduction, in this nice fashion, of a lower duty on this artificial silk yarn and thread in this country. Whether it hits the handloom industry or any other industry, there will be this additional temptation for the people, by the greater facility of this import of artificial silk, to take to that kind of fabric in preference to the

[Mr. M. S. Sesha Ayyangar.]

genuine indigenous silk in the country. Might I also submit that in my own constituency there are three places where silk and silk fabrics are very largely manufactured, and my apprehension is that in addition to the other disadvantages which accrue from the introduction of this particular item it will directly hit in the long run the indigenous silk industry of India. I would also submit that if at all this will be giving an indirect temptation to people in this country to prefer this counterfeit thing to the genuine silk article. And by way of substantiating what I said a few minutes ago about my apprehension that China will be hit, I would refer this House to the item—Item 134 of the present Tariff Act—articles which are liable to duty at 30 per cent. *ad valorem*—silk piece-goods and other manufactures of silk not otherwise specified 45A. Now, silk from China to-day has to pay a duty of 30 per cent. *ad valorem*. With this additional facility of importing artificial silk from Italy and artificial silk yarn and thread from the United Kingdom at a diminished rate of duty of 7½ per cent., I submit it has been shown clearly how it affects silk imports from China.

Lastly, Sir, I would submit that, in addition to the fact that this sacrifice of revenue involved in these proposals has no corresponding advantage. by way of giving relief to the millowners, it actually has the prospect of directly hitting our own indigenous silk industry and would force us to favour Italy and the United Kingdom at our expense. With these words Sir, I move this amendment.

Kumar Ganganand Sinha (Bhagalpur, Purnea and Santhal Parganas : Non-Muhammadan) : Sir, I intervene in this debate only to elicit certain information from the Honourable the Commerce Member. Representing as I do a part of the country which is vitally interested in the indigenous silk trade I would like to know how the proposal before the House benefits the handloom industry and the silk industry My Honourable friend who has just spoken has shown rather exhaustively that the retention of this item in the Bill is not going to benefit the millowners to any appreciable extent As a matter of fact the Bill if passed will give very little protection to the textile industry. I am afraid, on the contrary, the artificial silk yarn from the United Kingdom and the Continent will flood the Indian market and will injuriously affect the indigenous silk industry in this country. The statistics of the sea-borne trade of India show that an enormous quantity of artificial silk is being imported into this country from the United Kingdom, Germany, France and Italy. That being so, I would like to draw the attention of the Honourable Member to an extract from the Bihar and Orissa Administration Report of 1925-26, which describes the condition of the silk trade at Bhagalpur, the place in which I am particularly interested. It reads :

"The Silk Institute at Bhagalpur has achieved great success in introducing new kinds of silk for use by the Bhagalpur weavers, who formely only used *tassar* and wove plain silk cloth or a mixture of cotton and silk called *bafta*. The institute has developed the use of mulberry, eri and muga silk, and with the assistance of the late Mrs. Kilby produced a number of charming designs in coloured silk. A trade in these is being slowly built up both in India and abroad, while a large number of fly-shuttle looms are now being used in Bhagalpur town"

Under these circumstances, Sir, I would be opposed to any measure that would in any way impair the indigenous silk trade Sir, I support the amendment.

Mr. K. C. Neogy: Sir, I rise to support this amendment. I am not going to repeat what I said this morning on the subject ; but I would refer to one observation made by my Honourable friend Mr. Kunzru. He said that the principal consideration that weighed with the Select Committee was that this Bill to a certain extent relieved the handloom weaver, for the reduction of the duty on artificial silk would act as a relief to them. Sir, my Honourable friend after doing his best to injure the handloom industry, is now anxious to mete out step-motherly affection. Yesterday he made a proposal that Rs. 12 lakhs should be set apart for the benefit of the handloom industry, in the provinces a proposal which on the accepted official interpretation of the Devolution Rules, I think, it would be difficult for the Government of India to give effect to. Here is another proposal of my friend Mr. Kunzru to give some indirect relief to the handloom industry. Let us analyse the position for a moment Mr. Kunzru is anxious that the indigenous yarn industry should be protected. That was the reason why, I think, he voted in favour of the measure that we passed yesterday. At the same time he is prepared to agree here to a measure which would enable artificial silk to be imported at a cheap rate and which would enable it to compete more or less successfully with that very indigenous yarn which he wants to protect. I do not know whether my friend is aware of the inconsistency of his position.....

Pandit Hirday Nath Kunzru : He is more consistent than you.

Mr. K. C. Neogy : My Honourable friend further stated that, as the difference in the price of artificial silk and real silk was very great, and as Sir Purshotamdas Thakurdas did not think that the reduction of duty would affect it in any way, he did not see any reason to object to this proposal.

Sir, so far as the question as to whether the difference in the price of indigenous silk and artifical silk yarn is very great or not it is a question of fact undoubtedly, and when I read out a complaint from a silk centre in Bengal that artificial silk had, as a matter of fact, done a lot of injury to the indigenous silk industry that, I submit is also a question of fact. But my Honourable friends Mr Kunzru and Sir Purshotamdas Thakurdas fancy that they are quite safe in coming to the conclusion that the indigenous industry will not be injured at all Sir, I repeat what I said this morning that we want facts, and not the theory of Honourable Members while we are dealing with this serious question.

Sir there is one point to which reference was made by my friend Mr. Shesha Ayyanger and that was whether this reduction in duty is likely to benefit England at all. The Honourable Member in charge the other day pointed out that it was Italy which exported artificial silk yarn in larger quantities, and although England came second, the difference between England and Italy in point of import was very great. As a matter of fact, he pointed out that in the year 1926-27, Italy had exported about six times the quantity that England exported to India. Sir, I have looked up the more recent figures. Take the seven months of the year 1927, January to July, the latest period for which figures are available.

[Mr. K. C. Neogy.]

In this period of seven months, England has exported 8,25,000 and odd pounds, whereas Italy has exported 17,34,000 and odd pounds; that is to say, the proportion is not 6 to 1, but 2 to 1, and as a further evidence that England is fast recovering her position, I would refer the Honourable Member in charge to the figures for January and July respectively. In January last England exported 1,31,000 and odd pounds to India, while in July she exported 1,85,000 and odd pounds. In the case of Italy, in January last she exported 6,17 thousand odd and in July only 2,59 thousand odd. If this rate of progress goes on, I for my part will not be able to hold my Honourable friend so very innocent as he wanted us the other day to believe him to be in this matter Sir, I have already stated that, if you take the figures for the last six years, you will see that the import of artificial silk yarn has increased by over 30 times I will give the exact figures to the House. In 1921-22, the total import of artifical silk yarn was 70,000 lbs. In 1925-26 the total has gone up to 26,70,000 lbs. Sir, that does not look as if the import is being hampered by a duty of 15 per cent. Sir, the question is whether we are going to give any further encouragement to the import of artificial silk yarn. I can speak from my personal observation that, as a result of this increasing quantity of artificial silk yarn coming to this country, the whole market of Bengal is flooded with cheap shoddy fabrics, which undoubtedly compare very favourably in price with the indigenous silk but which are far less durable. And I know it is a fact—I can bear personal testimony to it—that as a matter of fact on account of cheapness these articles are displacing Bengal silk to a certain extent My Honourable friend the Member in charge may point out that a very large quantity of Indian silk yarn is imported and that a very large quantity of raw silk is imported into this country for the purpose of manufacture. But I want him to remember that, so far as Bengal is concerned, we utilise a very large quantity the indigenous silk yarn that we produce That is to say, that argument ought not to apply to Bengal, whatever weight it may have in reference to the other provinces. Sir, the misfortune of this industry is, so far as Bengal is concerned, that it is not represented in this House by a man like Sir Victor Sassoon It has not got friends like Sir Purshotamdas Thakurdas or Pandit Hirday Nath Kunzru. It is Bengal's misfortune not to be represented in this House by stalwarts like the Victor Sassoons and Purshotamdas Thakurdases and Kunzrus But that, I humbly submit, should not weigh with the Government in coming to a decision on this question. Sir, the tragic history of a well-known Bengal industry has formed the theme of numerous political speeches. I have the honour to belong to that city which was famous for its muslin. Sir, muslin exists now in the perorations of our political leaders and my fear is that, if Government were to proceed at this rate, heedless of what the result might be of their action on the indigenous silk industry in Bengal, the Bengal silk industry also might survive only in the perorations of my Honourable friend Pandit Kunzru's eloquent speeches Sir, it is a misfortune that, when we are discussing this question which affects three or four provinces of India not very strongly represented in this House, that we should miss the commanding presence of men like Pandit Madan Mohan Malaviya, whose clarion voice was raised yesterday in support of the millowners' interests. I do hope, Sir, that, although they are absent from the floor of the House

(*An Honourable Member* : " Here he comes.") We will have their support when we go into the lobbies.

Pandit Hirday Nath Kunzru : Sir, my Honourable friend Mr. Neogy has said many things in excitement which I am sure he will regret on calmer reflection He need not be sorry that Bengal is not strongly represented here. Bengal could not have a more pertinacious defender of lost causes than my Honourable friend. He represented me as having said many things which I never said. All that I said in my first speech was that nobody in the Select Committee, not even those who have appended minutes of dissent, expressed any dissatisfaction with the position as it was explained to them in the Committee, either with regard to the handloom industry or with regard to artificial silk. Men who are not experts like me had therefore to accept that position, and we came to the conclusion that there was really no objection to the lowering of the duty on artificial silk. He also knows—in fact I told him expressly—that in view of the facts he wished to bring out, I for one would have no objection to a reconsideration of the matter, but that there was absolutely no reason, in order to reconsider the question of silk, to ask that the Bill should be recommitted. I wish to remind by friend of these facts, as within half an hour he seems to have forgotten them. I do hope......

Mr. K. C Neogy : Is the Honourable Member in order, Sir, in referring to a conversation which took place outside the Chamber ?

Mr. President : Pandit Hirday Nath Kunzru.

Pandit Hirday Nath Kunzru : I do hope, Sir......

Mr. K. C. Neogy : If you permit him, Sir, to refer to these conversations, I am entitled to reply.

Pandit Hiday Nath Kunzru : I am not referring, Sir, to anything said by Mr. Neogy I only hope, Sir, that he will have a more retentive memory in future.

As regards artificial silk, the Honourable the Commerce Member will certainly explain the position again, and if the situation in Bengal is as parlous as it has been stated to be by my Honourable friend Mr. Neogy, there is no one who would not give a chance to the silk industry of Bengal. Nobody wishes that cheap foreign imitation stuff should come into competition with the real stuff of this country. But my Honourable friend, in the eloquent speech which he delivered, never told us what the respective prices of artificial silk and real silk were.

Mr. K C. Neogy : I accept your statement

Pandit Hirday Nath Kunzru : The Honourable Member tells me that he accepts my statement. Well, then, if real silk is three times as dear as artificial silk, it does as a matter of fact seem difficult to accept that artificial silk is coming into competition with real silk. I am afraid my Honourable friend contented himself merely with the cutting which he read out to us. He did not pursue the matter further He did not ask the men concerned in the silk industry in Bengal what the position was.

Mr K. C. Neogy : They are not organised as your friends of the mill industry of Bombay.

Pandit Hirday Nath Kunzru : These people do not belong, he says, to Bombay. That is all the more reason why my Honourable friend, who

[Mr. Hirday Nath Kunzru.]

is exclusively concerned with Bengal, should have taken care to inform himself of all the facts bearing on the subject He should have known that he would be the sole and valiant defender of Bengal in this Assembly and he ought to have come well armed—panoplied from head to foot—so that he might be able to resist all attacks. If he has not done so, he must bear a portion of the blame along with the Members of the Select Committee.

Mr. K. C. Neogy : What was the Servants of India Society doing ?

Pandit Hirday Nath Kunzru : The Servants of India Society took as much care as it possibly could to acquaint itself with the facts in company with members engaged in commerce and industry.

Mr. K. C. Neogy : Give us the facts then.

Pandit Hirday Nath Kunzru : There was an opportunity, Sir, for discussing this subject when this Bill was referred to the Select Committee, but my Honourable friend was not one of those who discussed this matter.

Mr. K. C. Neogy : I did refer to it in my speech.

Pandit Hirday Nath Kunzru : Not, Sir, in one-tenth of the detail in which he has referred to it now. If the matter was so serious, of such first class importance, if it affected Bengal in the way in which he now thinks it does, it was his clear and imperative duty on the very first day to sound a note of warning and ask us to consider it not merely from the point of view of Bombay but also of helpless Bengal. Having omitted to do that, not having taken sufficient care to acquaint himself with all the facts, he has no right now to turn round upon us and attack us for mistakes which really are his own

Before I sit down, I should only like to say that in view of the facts which he has pointed out, or rather the facts which he has alleged, I should have no objection for my part to the matter being reconsidered. The Honourable the Commerce Member, too, a few minutes ago, said that that was a matter which stood by itself and could be considered separately on its own merits I hope he will find it possible to allow it to be reconsidered. Nothing will be lost if we do not reduce the duty on artificial silk at once, particulary as it was not recommended by the Tariff Board.

Pandit Madan Mohan Malaviya : (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : I apologise to the House and to my Honourable friend, Mr. Neogy, for having been absent for a few minutes when this discussion came on. I am really sorry for it, as I think it is the duty of every Honourable Member of this House to be in attendance while the House sits. I submit that the proposal before the House deserves the sympathetic consideration of Government. I do not wish, nor do I need to go into facts and figures, as was done by my Honourable friend, Mr. Neogy. I am content to say that artificial silk is coming to India in increasing quatities, and no facts and figures are needed to show that it must compete with the indigenous silk industry. I am in favour of every

step being taken by Government to shut out foreign stuff ; particularly when it is imitation stuff and worthless stuff Government should take every step to shut it out from the country by all legitimate means. We have to remember on the one hand, that the people are cheated by these stuffs which do not last long, and on the other, that we have to encourage the indigenous industry and we ought to take every step that may be necessary towards that end. I do hope on these general grounds the Honourable the Commerce Member will re-consider this question, and if the facts and figures at present available may not help us to solve the question, I hope that he will allow the matter to stand for the present where it does, remove the clause to which Mr. Neogy's remarks relate, and deal with the matter later on when the need for action has been made more clear.

The Honourable Sir George Rainy : I should like, Mr. President, to explain, if I can, what exactly this proposal means. The material which is called artificial silk is altogether a new textile material, and it is only in the years since the war that it has come into general use. In the first years after the war, some 5 or 6 years ago, its price was almost as high as the price of real silk, but in the course of the last 5 or 6 years the price has dropped with extraordinary rapidity, and at the same time, the material has become very popular and is now used on a scale which begins to approach the scale on which the older and more familiar textile materials are used All over the world, you are beginning to find in constant use fabrics of various sorts made—not entirely of artificial silk—but more commonly of a mixture of artificial silk with other materials, and particularly with cotton. So far as India is concerned, it is these mixed goods made partly from artificial silk and partly from cotton that we are chiefly concerned with. The imports from other countries of these piecegoods have increased very rapidly and between the years 1924-25 and 1926-27 the imports of these piecegoods have more than doubled. The attraction of them is largely this, I think, that the mixture of the artificial silk gives a better and more decorative appearance to the fabric and therefore it is more attractive to the purchaser. At present both these mixed piecegoods, made partly of artificial silk and partly of cotton, and the artificial silk yarn that is imported into this country are dutiable at 15 per cent. But both the cotton mills in Bombay and elsewhere and also some of the handloom weavers particularly in Southern India have begun to manufacture these piecegoods made of a combination of cotton and of artificial silk, and the manufacturer has to pay on the artificial silk yarn that he uses the same rate of duty as is imposed on the imported fabric which competes with what he makes. All that is proposed in this particular time in the Bill is to reduce the duty on the artificial silk yarn from 15 to 7½ per cent. so that the manufacturer in this country, whether he be a handloom weaver or whether it be a cotton mill will have a definite advantage in competing with the imported piecegoods. Now, more than one speaker has expressed a desire that India should rely as far as possible on the materials she herself produces If that is the intention the only way in which that could be done would be not only to impose a very high duty on the artificial silk yarn (I should think that at least 100 per cent. would be necessary), but you will also have to impose a duty on a similar scale on the piecegoods made from the combination of artificial

[Sir George Rainy.]

silk yarn with other materials. That would be a very drastic proposal indeed—to compel the consumer to wear only the materials actually produced in India, especially when the fiscal measures necessary to introduce this compulsion would have to be very severe.

Mr Mukhtar Singh (Meerut Division : Non-Muhammadan Rural) : On artificial silk the duty is 30 per cent. in Japan.

The Honourable Sir George Rainy : If my Honourable friend suggests that in order to equalise matters some reduction ought to be made in the duty on silk, whatever its merits, it is hardly germane to the discussion at the present moment I should like to repeat once again the figures I gave on the former occasion as regards prices. Five or six years ago artificial silk yarn and real silk yarn were selling at not very dissimilar prices Today the price of artificial silk yarn is about one-third of the price of real silk yarn. In these circumstances it seems to me that, as regards competition with real silk, the reduction in the duty from 15 to 7½ per cent. can only have a negligible effect. It will make very little difference indeed from that point of view. But it may make a quite appreciable difference to the cotton mill and to the handloom weaver if they can get a little cheaper the material which they require in order to produce the kind of piecegoods that the consumer is more and more beginning to demand. I think, Mr President, that the Government of India were perfectly justified in putting forward this proposal in the belief that it would not injure any interest in India and that it would be an appreciable benefit both to the handloom weaver and to the cotton mills.

Before sitting down I will only refer very briefly to the suggestion that the Government of India have acted with the desire to benefit some interests outside India. If Honourable Members are determined to cherish these suspicions it is very defficult for me to say anything that will persuade them to the contrary. But surely in this matter the reason for taking action is obvious. As I have already told the House, the original suggestion came from the Bombay Chamber of Commerce. At that time the Government of India were unable to accept it The next development occurred when I visited Bombay in April and interviewed the Committee of the Bombay Millowners'Association and asked their opinion upon it, any they gave their opinion then and there unhesitatingly in favour of the proposal. I do not recollect in the least whether it was actually mentioned on the occasion of the deputation to which one Honourable Member has referred. But if it was not, the reason was that it had already been discussed between myself and the Bombay Millowners' Association. Apart from that the Government of India had no discussion with anybody else at all. I do hope that Honourable Members will not vote under any impression of that kind, for which there is really no justification of any sort.

Mr. President : The question is :

"That paragraph 10 of the Schedule to the Bill be omitted."

The Assembly divided :

AYES—35.

Abdoola Haroon, Haji.
Aney, Mr M. S.
Ayyangar, Mr. M. S. Sesha.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Chaman Lall, Diwan.
Dutt, Mr. Amar Nath.
Farookhi, Mr. Abdul Latif Saheb.
Goswami, Mr. T. C.
Gour, Sir Hari Singh.
Iyengar, Mr. A Rangaswami.
Iyengar, Mr. S. Srinivasa
Kelkar, Mr N C.
Kidwai, Mr Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr. Dhirendra Kanta
Malaviya, Pandit Madan Mohan.
Mehta, Mr Jamnadas M.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Prakasam, Mr. T.
Rang Behari Lal, Lala.
Rao, Mr G. Sarvotham.
Sarda, Rai Sahib Harbilas.
Shafee, Maulvi Mohammad
Siddiqi, Mr. Abdul Qadir
Singh, Kumar Rananjaya.
Singh, Mr. Gaya Prasad
Singh, Mr. Narayan Prasad.
Singh, Mr Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Siddheswar.

NOES—52.

Ahmad, Khan Bahadur Nasir ud-din.
Alexander, Mr. William.
Ayyangar, Mr. V. K. Aravamudha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami
Bajpai, Mr. G S.
Blackett, The Honourable Sir Basil
Bray, Sir Denys
Coatman, Mr J
Cocke, Mr. H. G.
Cosgrave, Mr W A
Courtenay, Mr. R. H
Crawford, Colonel J D.
Crerar, The Honourable Mr J
Crofton, Mr. R M.
Dakhan, Mr W M P. Ghulam Qadir Khan
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji
Donovan, Mr J T
Dunnett, Mr. J M
Ghuznavi, Mr A. H
Gidney, Lieut-Colonel H A. J
Haigh, Mr P. B.
Haji, Mr. Sarabhai Nemchand.
Irving, Mr. Miles
Joshi, Mr. N M.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Khin Maung, U.
Kikabhai Premchand, Mr
Kirk, Mr. R. T. F.
Lamb, Mr. W S
Mitra, The Honourable Sir Bhupendra Nath
Mohammad Ismail Khan, Haji Chaudhury
Moore, Mr. Arthur.
Mukherjee, Mr S C
Murray, Sir Alexander.
Parsons, Mr A A. L
Purshotamdas Thakurdas, Sir
Rahimtulla, Mr Fazal Ibrahim.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur, M. C
Ruthnaswamy, Mr M.
Sams, Mr. H. A.
Sassoon, Sir Victor.
Singh, Rai Bahadur S N.
Sykes, Mr E F
Tonkinson, Mr H.
Wright, Mr. W T M
Yakub, Maulvi Muhammad
Yamin Khan, Mr Muhammad.
Young, Mr G. M.
Zulfiqar Ali Khan, Nawab Sir.

The motion was negatived.

The Honourable Sir George Rainy : Sir, I move :

"That in paragraph 10 of the Schedule to the Bill, in the proposed Item 43-A, the words 'Artificial silk yarn and thread' be substituted for the words 'Artificial silk yarn and silk thread'."

The Select Committee in this particular Item, Mr. President, made a modification intended to change the definition. The original definition in the Bill referred also to artificial silk warps. We were advised, however, that the warps ought not to be specially mentioned. This advice came from those who had actual experience of the trade and the Committee decided it would be better to mention in the definition only artificial silk yarn and thread. Unfortunately, however, the actual wording of the amendment made in the Select Committee did not correctly carry out the intention, and as the entry stands in the Bill, as reported by the Select Committee it would almost certainly be interpreted as referring to artificial silk yarn and silk thread that is not artificial silk thread but real silk thread It is quite clear that it was not the intention to interfere at all with the duty on the real silk thread It is for this reason that the amendment proposes that the entry should read "Artificial silk yarn and thread" If that wording is adopted, I do not think there can be any doubt. Sir, I move.

The motion was adopted.

The Honourable Sir George Rainy : Sir, I move :

"That in paragraph 11-A of the Schedule to the Bill for the proposed Item 54, the following be substituted, namely —

'54 The following *PRINTING MATERIAL*, namely, type, leads, brass rules, wooden and metal quoins, shooting sticks and galleys and metal furniture'."

This amendment, Mr. President, is entirely consequential on an earlier amendment which has already been passed by the Assembly. I do not think it requires any further explanation, and I therefore move it.

The motion was adopted.

The Schedule was added to the Bill

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir George Rainy : Sir, I move that the Bill, as amended, be passed.

The motion was adopted.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

THE BAMBOO PAPER INDUSTRY (PROTECTION) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I move that the Bill to amend the law relating to the fostering and development of the bamboo paper industry in British India, as reported by the Select Committee, be taken into consideration.

Sir, it will not be necessary, I think, that I should say more than a very few words in support of this motion. The Bill was referred to the Select Committee unanimously and the Select Committee has presented a unanimous report without making any changes in the Bill. In my speech on the motion to refer the Bill to the Select Committee, I explained fairly fully the objects of the Bill and I do not think I need go over the same ground again.

Sir, I move.

Mr. N. C. Kelkar (Bombay Central Division : Non-Muhammadan Rural) : Sir, while supporting the motion that the Bill as reported by the Select Committee be taken into consideration, I wish to address certain remarks to this House. I may at once say that they arise out of paragraph 5 of the Report. I have not tabled any specific amendment for this purpose, but I think that will not be taken as an objection to my making a few remarks on the Bill. What I am now seeking to obtain in my remarks is not necessarily by any amendment of any of the clauses of the Bill as now reported upon by the Select Committee, but I contend that what I want to be secured can be obtained by executive action. I consider that this is the proper occasion for me to make those remarks. If I lose this opportunity, I fear there will be no occasion for bringing this point to the notice of the Honourable the Commerce Member. Sir, as I have already said, my remarks arise out of paragraph 5 of the Report. Without disclosing any of the secrets of the Select Committee, I may say that I mentioned the point that I am going to state to the Select Committee then and there, and I told the Honourable the Commerce Member that I would take up this point in the House, if in the interval I got sufficient material to rely upon. After having gathered sufficient material, I am now satisfied that the point that I am going to place before the House is a reasonable proposition. In the first place, I may at once say that I am pleading for the refund of certain excess duty which was levied upon a kind of paper about which I contend there should have been absolutely no doubt as to its quality and its consequential exemption from the levy of that duty. I want two things, first, a refund of duty to all importers on imports of newsprint, white or coloured, which were allowed to be cleared on payment of the old schedule duty but on which subsequently the customs authorities have made demands for payment of less charge in consequence of the revised ruling of February 1927 for reasons stated , then, refund of duty on all imports of newsprint, white or coloured, on which the importers have been made to pay the provisional duty of one anna per lb pending the final decision of Government in this matter, as the customs officers actually collected from them duty in the way indicated above and reasonably they have been expecting the law to be amended.

Now this Bill is a very good thing because it removes one positive injustice. The House will remember that this Bill is giving justice to those people who have suffered injustice during a recent short interval. The Act of 1925 definitely gave protection to certain kinds of paper imported. That went on till 1926. In that year doubt was raised and opinion was sought for from headquarters as to what the proper action was and the Government confirmed the existing state of things. The thing went on then for one year more and only in February last—1927—was another ruling given, I suppose on the authority of the law officers, which

[Mr. N. C. Kelkar.]

goes contrary entirely to the original intentions of the Tariff Board, which recommended the exemption, the original intentions of the Act of 1925, the interpretation put upon the measure by the then Commerce Member, and I say again, the interpretation that is now being embodied in the tariff schedule by the present Bill So you will remember, Sir, that from the time of the original recommendation of the Tariff Board up to this moment and hereafter of course for as long as may be, there has been one continuous thread of intention running all along except for a brief period of four or five months. So we are now by this Bill removing that injustice and putting the thing beyond doubt. But what I am saying is this If you are removing one injustice you should take the occasion for removing also another injustice, namely, the refund of duty which was unreasonably collected under an alleged doubt. The Government have shown in this case that they have a sufficiently elastic conscience, but my grievance is that they have an elastic conscience only in one direction. They can make their conscience elastic enough to recover excess duty though previously no duty was to be levied They can come in on the scene at any time, give notice and demand the recovery of less charge. On the other hand, I ask why should that economic conscience not be elastic enough to give a refund where a refund is legitimately due.

Now I will take the sub-clauses of paragraph 5 with regard to which I am making my remarks. Sub-clause (2) of paragraph 5 says there was a doubt, but until the Tariff Board had investigated the question it could not be said that this was clear beyond all doubt and for this reason it was impossible for the Government, at the time the ruling of 1927 was published, to announce that they intended an amendment of the law. Now, if there was a doubt, I contend in the first place, that the benefit of the doubt should not be taken by Government but should have been given at once to the importers of paper. With regard to paragraph 3, it is stated that there is a practical difficulty in the way of giving a refund. If refunds of the difference between the two rates of duty are now to be given, there is no guarantee that the benefit will reach the ultimate consumer and there is no reason why the importer who has been paid the price which includes the duty at the protective rate should receive a refund from Government. Now, Sir, this argument is based upon the supposition that those who are concerned in the refund are only merchants, that is, people who have imported paper but have passed it on to other consumers, not having used it themselves But I think there is another class of people whom I can name and, if this line of argument in this part is to be assumed to be correct, it necessarily follows that those other people of whom I am now speaking ought to get this refund Take the case of a newspaper man who does not do any job work, who imports paper for his newspaper and can prove at any time most reliably that he has consumed the imported paper for the purposes of his newspaper alone In that case I contend that this line of reasoning does not apply. This line of reasoning applies strictly to people who are merchants and importers of paper for sale, who have passed the goods off their hands and according to the assumption made here have recovered the duty as well as the price But it can be shown in the case of people who consume their own paper that the duty has been paid by them and that it has not

been shared by any one else and that they have consumed the whole quantity of paper themselves. This is an outstanding and clear case against the line of reasoning adopted in paragraph 3.

Then paragraph 4 says : " Why should we make a discrimination between this class of people and the other class ? " My simple answer to that is that it is quite right and fair that discrimination should be made where discrimination can be made and where it is equitable to make it. If the line of reasoning in this part is to be accepted, it means only this : that if we have committed one wrong, let us commit another wrong in addition. But I may at once reply to that by saying that two wrongs never make one right. Now it has been obvious all along from the Reports of both the Tariff Boards and from the proceedings in this House in 1925 as also the action subsequently taken in 1926—it is absolutely clear that there should have been no doubt as to the exemption which was due to certain kinds of paper. Newsprint is a case in point, and I will show at once that there should have been absolutely no difficulty, no doubt, as to the exemption to be given to newsprint. The Tariff Board Report of 1925 (paragraph 18) says :

" With few exceptions the important Indian newspapers are printed on newsprint, a kind of paper which contains about 70 per cent. of mechanical wood pulp "

which means at least 5 per cent. higher than the point about which there seems to be some contention.

If newsprint by common consent generally contains 70 per cent. of wood pulp, then surely that paper should have been allowed to be exempted merely by the description of it, without its being subjected to any chemical or other analysis The present Tariff Board of 1927 has also said :

" It might be fairly claimed that it was the intention in enacting the Bamboo Paper Industry Act to exempt from the protective duty such printing paper as fulfilled these conditions "

" These conditions " means that the paper should contain more than 65 per cent. of wood pulp ; and from the first Report I pointed out that by common consent newsprint is acknowledged always to contain more than 65 per cent. Therefore, under these circumstances, objection should not have been taken to the paper coming in being exempted from the protective tariff duty. Now, what is the justification for Government for doing this in this case ? They are making a profit out of their own doubt. Who raised that doubt ? It was not the executive Government which of course was entitled to pass orders and issue rulings on a question like this, but I suppose somebody, some interested people in Calcutta raised the question again in 1927, and I am told that the law officers of the Government gave that opinion But when the Statute is there and when the intentions can be ascertained and verified from point to point from 1925 up to now, I do not know why the Government should have listened to the interpretation put by its law officers. Nobody would have sued them if they had continued their old action as in 1926. Therefore, Sir, here is a case in which the interpretation was right till 1926, that is for more than a year ; it was again confirmed in 1926 and remained valid till February 1927, and it is now, as we see here, going to be confirmed by the present Bill. Therefore, here is a small period of, what shall I say—shall I call it insanity between long periods of sanity. And who is to suffer for this spell of a doubt, a miasma, created by the Government themselves unnecessarily ? Why should the importer suffer for the doubt created by the Government themselves ? It is the Government who should suffer and not anybody else. But, Sir, it is not a case

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[Mr. N. C. Kelkar.]

of suffering by Government in having to pay out what has been illegitimately collected, but it is a case of suffering by the importer for a fault for which he is in no way responsible. This small interval of invalidity between long periods of validity reminds me of a story of a fastidious Treasury Officer We all know that pensioners have got to produce life certificates when they present themselves to receive their pensions Now it so happened in this real story which was narrated to me, that a pensioner went before a Treasury Officer and presented two life certificates. One was for January and another was for March. The Treasury Officer said : "I admit you were alive in January by the certificate ; I admit also that you were alive in March But what proof is there that you were alive in the month of February of that year ?" The present case is almost similar to that. Exemption was valid before 1925, it was valid in 1925, it was again valid in 1926, and even now by the present Bill, which will last for a long time, the exemption will remain valid When was it invalid, Sir? For the brief period of February to September That is, on the face of it, absurd, and I do not know why Government should not show their large-heartedness by paying out money which has been illegitimately collected Remember, that Government in this case has not made small profits In one case which has come to my knowledge, one person in May and June has paid about Rs 6,000 duty. Now, that is certainly a large sum, and Government are not entitled to recover so much from an importer simply because a certain doubt had arisen at a certain time. (*An Honourable Member* : "Illicit gain.") Yes, certainly it is a case of illicit gain, it is a case of wrongful loss to a certain party and wrongful gain to Government I would in this connection, Sir, allude to the remarks made by my friend Colonel Crawford in March last, he had raised that specific point then If that was not a regular notice of asking for repayment from the importer to the Customs House, it was certainly a notice given by Colonel Crawford on behalf of importers generally to this House or to the Honourable the Commerce Member. Therefore, I contend, Sir, that this refund should be given, and it can be given under section 40 of the Sea Customs Act The Sea Customs Act says this :

"No customs duties or charges which have been paid and of which repayment wholly or in part is claimed in consequence of the same having been paid through inadvertence, error or misconstruction shall be returned unless such claim is made within three months from the date of such payment ".

This, Sir, is a negative statement of the position. The section says that no payment shall be made unless a claim has been put therefor within three months. Putting it as a positive statement, therefore, we can say that if a claim is made within three months of payment, then the party becomes entitled to a refund. And I lay stress upon the reasons which are referred to in the section. Inadvertence, error and misconstruction And I base my claim for this refund upon these facts. It is an error. It is a misconstruction. Perhaps it may not be inadvertence. But it is error and even apart from that, it is misconstruction, which of course now has been clearly proved by the present Bill. For these reasons I bring this claim for refund—and it is a substantial claim—to the notice of the Commerce Member and I hope he will consider my arguments and set the matter right, which he can do without my moving any amendment therefor, by executive action.

Mr. H. G. Cocke (Bombay : European) : Sir, I do not want to follow the remarks of my Honourable friend which were always interesting and at times humorous but I wish to say that I have considerable sympathy with this claim for refunds The point I do wish to raise is one in connection with the Schedule to this Bill. Item No. 156 deals with writing paper. But nothing is said about envelopes. I understand that envelopes have been included in the term " writing paper " by a customs notification, but we all know that notifications are liable to be altered and therefore I wish to say that I consider it would have been much more satisfactory had the word " envelopes " been included and I should like an assurance from the Honourable Member in charge that it is the intention to include envelopes in that heading, not only to-day but continuously. Many of my lawyer friends could make out a very good case that envelopes are not writing paper and I have no doubt they could make out an equally good case that writing paper is equivalent to envelopes. But at any rate I understand in the trade it is looked upon as an omission that writing paper is referred to and not envelopes and I therefore trust the Honourable Member will have some assurance to give to the House on that subject

The Honourable Sir George Rainy : Sir, I shall try to be very brief because, if I may make a confession, I share the feeling that I know is deeply felt in most hearts in this House that it would be a good thing if the Rainy part of the season were soon over. (Laughter) I have listened to the siren strains from my Honourable friend Mr. Kelkar on the other side of the House, in which he has endeavoured to soften the stony hearts of not only, I think, the Commerce Member but possibly of the Finance Member also over this question of retrospective effect. Now, Mr. President, the Report of the Select Committee in which this matter was very fully discussed is dated the 31st August 1927. It is now the 8th September and, as no notice of an amendment has been tabled, I think I may take it that the House generally has been satisfied with the reasons given by the Select Committee that in one case retrospective effect should be given to the amendment of the law (*Mr. A. Rangaswami Iyengar* : " Oh, no."), while in the other case it was not right or expedient to do so. The reasons are fully stated in the Report of the Select Committee and I do not wish to go through them again. My friend, Mr. Kelkar, said he would take them *seriatim*, but there was one to which he did not refer, unless my ear misled me First he dealt with Item No 3, and he rejected the argument in that paragraph on the ground that it was not only a question of the importer, that is, also of the merchant who imported for sale to others, but also of the direct importer who imported paper simply for his own use But I did not hear him refer to Item 4 which is to this effect that, if refunds were to be given only to those who imported for their own use and not for sale, it would mean an unjustifiable discrimination between one class of importers and another.

Mr. N. C. Kelkar : I referred to that and said discrimination would be justified.

The Honourable Sir George Rainy : I apologise to the Honourable Member for unintentionally misrepresenting him I did not hear that reference. But I am afraid I cannot at all agree with him that the discrimination would be justified Then the Honourable Member said that, although he did not give notice of any amendment, he believed that the importers could obtain what they wanted by executive

[Sir George Rainy.]

action. I am very doubtful whether that is in fact the case, and I think the Honourable Member must take the views expressed in the Report of the Select Committee as being the views of the Commerce Department and of the Government of India, and I am afraid I can hold out no hope to him that he will get what he wants. If, however, the point he is raising is a question of law, if he suggests that under the law an importer will be entitled to a refund, that is a totally different matter and obviously not one for discussion in this House. If the importers have their remedy under the law, then they must be left to exercise it

My Honourable friend Mr Cocke mentioned a small point in connection with entry No 156 in the Schedule I understand the point is this, that he desires that envelopes should be specifically mentioned in the definition of "writing paper" so that there should be no doubt that they were included Had this point been brought to notice at an earlier date, it might have been possible to amend the Schedule. I do not think it is necessary myself, for I have examined the ruling of the Central Board of Revenue, which seems to me to show clearly that the present interpretation of the law by which envelopes are included in writing paper is correct. But, as I say, I might have been prepared to consider an amendment had this matter been brought to my notice earlier I should regard it as extremely dangerous to make an amendment on the spur of the moment at the eleventh hour One is so apt to overlook particular points and one may quite inadvertently make an unintended change in the law with very curious results. I am quite prepared, however, to consider the matter, and if it appears there is likely to be any doubt on the subject, in all probability there will be a Tariff Bill in the cold weather Session, and the necessary steps can be taken then.

Mr. President : The question is :

"That the Bill to amend the law relating to the fostering and development of the bamboo paper industry in British India, as reported by the Select Committee, be taken into consideration "

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir George Rainy : Sir, I move that the Bill be passed.

The motion was adopted.

THE INDIAN SECURITIES (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I move that the Bill to amend the Indian Securities Act, 1920, for certain purposes, as reported by the Select Committee, be taken into consideration

Sir, this Bill has been considerably reduced in scope by the Select Committee I do not pretend, Sir, to be entirely satisfied with the Bill as it has emerged from the Select Committee.

But on the principle that half a loaf is better than no bread I am content to take this Bill as it stands for the time being and to consider at leisure whether further action should be taken to secure the full objects with which the Bill was originally introduced.

The Bill, as originally introduced, had two main purposes in view. In the first place, a judgment of the Madras High Court, known as the Bapuli judgment, revealed two defects in the existing law relating to Indian securities. In the case of promissory notes declared to be payable on demand, although the loan to which they relate may have been notified for discharge, the Government under that judgment is found to be liable to pay the principal as well as the interest up to the date of the demand by the holder, and it is optional with the holder of the promissory note to defer the demand as long as he pleases and the Government are not entitled to dispute it. That obviously is an unsatisfactory position from the point of view of Government. A loan may be at a high rate of interest and the Government may use its powers to notify the loan for repayment with a view to re-borrowing the amount in question at a lower rate of interest. That is a thing which is frequently done It is obviously undesirable that the tax-payer should continue to be liable for interest at the higher rate indefinitely and that the holder should be able to secure to himself that higher rate indefinitely simply by not making a demand for the payment which the Government have notified that they are ready to make. Both as regards the principal and as regards interest, there are difficulties As regards the principal, the position under that judgment is that the Government are required to retain all the books for an absolutely indefinite period until the demand is made and a time may come when it may be very difficult, if not impossible, to prove that the payment has actually been made or not. The Select Committee, after considering these, came to the conclusion that they did not desire to relieve the Government from the liability to pay the principal however long the demand might be deferred, 100 years or more. But as regards the interest, they have agreed that it is desirable that the Government should cease to be liable to pay any interest beyond the date notified by the Government as the date on which they are prepared to repay the principal. If the holder does not demand repayment of the principal on the date on which the Government offers to repay, the principal remains for him to take whenever he wishes, but interest does not continue to accrue against Government beyond the date named by the Government The second difficulty that was felt to arise was that the elaborate safeguards for the protection of the Government and other claimants prescribed under the Indian Securities Act can be circumvented by the legal representative of the deceased holder of a lost Government security if he obtains a certificate under the Indian Succession Act. Government on the recommendation of the Advocate General proposed to alter the Indian Securities Act with a view to filling up that possible lacuna in the law The Select Committee think it desirable that the Government should reconsider this question, and if they find that the civil courts issue succession certificates without the enquiry required by section 10 of the Indian Securities Act, the Select Committee recommend that the Government should consider the desirability of amending not the Indian Securities Act but the Indian Succession Act.

The Government propose in accordance with the recommendation of the Select Committee to consider that matter and if they think fit

[Sir Basil Blackett.]

no doubt further legislation will be introduced at a later date The result is that the Bill is reduced to a very small compass and I think after the explanation I have made the House will have no difficulty in passing it.

Sir, I move.

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President : The question is :

"That clause 3 do stand part of the Bill"

Mr. Aney

Mr M. S Aney (Berar Representative). Sir, I rise to move the amendment that stands in my name. The amendment is as follows :

"That in clause 3, in the proposed section 18-A for all the words occurring after the word 'after' the following be substituted.

'a period of three years from the date on which a notice for receiving the amount due on such security would be issued'"

The main object of this amendment is this. The Bill that was originally brought and referred to the Select Committee provided in clause 3 enacting a new section proposed to be a substitute for section 18 of the Securities Act, that the Government should be absolved of all liability for principal and interest after six years after the date on which the amount on the security was due or, became payable. That was the provision in the original Bill When this matter was referred to the Select Committee, I made it clear in my speech that that was an iniquity, that the liability of the Government subsisted so long as the actual payment was not made and was of a permanent nature in a way under the Act ; and it would not be equitable to those who hold the security that, after a certain date on which the amount was due, they should be deprived of the right of receiving the amount due on the security and that Government should be entitled to claim without any payment on discharge for principal and interest as well That point was discussed in the Select Committee and in the Select Committee for reasons which have been stated in the report it was conceded that so far as the principal was concerned, the liability of the Government should remain there so long as the payment was not made. But as regards interest it was agreed that there should be some period of limitation beyond which the right of the security holder to claim interest on the amount should cease. On that point I find that there seems to be some misunderstanding. As to what was actually agreed in the Select Committee I am glad to find that we have not to rely merely on impressions or frail memories. It has been very lucidly put in and summarised by the Honourable Sir Basil Blackett himself in a memorandum which was issued by him and circulated to the members of the Select Committee. He stated there in paragraph 2 the exact position which was

agreed to in the Select Committee when this matter was first discussed in March last. in the following words :

"Some of the members of the Committee were not willing to agree to Government putting in a plea of limitation in respect of the principal They were ready to allow such a plea in respect of interest as they realized that it was in the interest of Government and the tax-payer that loans obtained at higher rates of interest should be converted into loans bearing lower rates and that such operations would be defeated if any security holder should continue to hold securities and claim higher rates of interest for long periods extending after the date on which the securities were due or notified for discharge."

That was the position agreed to. I want to make it clear that this clearly indicated that the Committee was not prepared altogether to dispense with but was only inclined to retain some period of limitation for which the interest was to accrue and accumulate even after the amount on the security was due or became payable. But under the clause as it now stands in the report of the Committee all interest will automatically cease after the day on which the amount due on the security becomes payable. Now what I claim to bring about by my amendment is that there should be a period of three years limitation during which the interest should be allowed to accumulate, and after that period the claim of the security holder for interest should cease. That is the change which I want to bring about. If the original Bill had been passed into law there would have been a period of 6 years limitation during which the interest would have accumulated. (*An Honourable Member* : "No.") That is not merely my understanding of the Bill but the only legal and sensible consequence of the clause. If there was a period of limitation for 6 years after which the liability of the Government was to cease, it meant that for that period of 6 years interest would necessarily accumulate, if no actual payment was made to the creditor during the period, and the person entitled to the security would have been also entitled to claim the amount of interest due on it during that period also. Thus the Honourable Members would realise that in my amendment I am making a concession in favour of the security holders more modest than what the Government was prepared to make when I simply urge that at least, so far as the interest is concerned, a period of three years should be allowed during which the interest can accumulate, and after that it should altogether cease. That is the real significance of the change which I want to bring about in the Bill as amended by the Select Committee in the interests of the numerous security holders I think I have made my position sufficiently clear and I commend this amendment to the acceptance of the House.

Sir Purshotamdas Thakurdas (Indian Merchants Chamber . Indian Commerce) . Sir, although I was not present at the final meeting of the Select Committee at which the Report was decided upon and signed, I believe I am correct in saying that what my Honourable friend Mr Aney suggests is not only not feasible but is very far from being customary in commercial circles. My friend, Sir, suggests that when Government loans fall due for repayment, if the lender, the man who holds the Government scrip, chooses to leave his money with Government, even though Government are prepared to pay back the debt, interest should continue to run for a period of three years practically at the discretion and at the pleasure of the lender. What, Sir, would happen in connection, we will say, with the Bombay Development Loan which bears

[Sir Purshotamdas Thakurdas.]

interest at 6¼ per cent. free of income-tax and which is due for repayment in 1935? The rate at which Government can borrow to-day is 4½ per cent, and I will take it for granted that in 1935 the rate will be the same Now everybody who holds the Development Loan scrip will stick to it for three years and continue to earn interest at 6¼ per cent free of income-tax And if my friend's amendment is carried it will only amount to this, that if the rate of interest is lower then the rate carried by the loan which is due for repayment everybody holding that loan will simply not present it On the other hand, if the rate of interest current at the time happens to be higher, they will all hasten to the Government treasury and get their money back. I am afraid it is an absolutely one-sided proposition, and I hope my Honourable friend will not press this amendment

Mr. T Prakasam (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I support the amendment moved by Mr. Aney. It is an elementary rule that a cause of action cannot start and end at the same moment. What is proposed in clause 3 of the Bill is that the cause of action should start the moment the Government notify that they are ready to pay the amount, and that it should be taken that the lender is not entitled to claim any interest from that moment Sir Purshotamdas Thakurdas has been stating something about a loan which is fixed to be repaid after a particular period That stands on a different footing altogether from the on demand pro-notes that the Government take in their favour from the people What would be the case with regard to such notes? Government issue a notification, and not even a letter to each individual informing him that they are ready to pay. We know how many people would notice notifications, how many of the villagers who would be investing their monies in these loans, would be noticing them With regard to such cases—I am sure there are a large number of cases existing on that basis—I think it cannot be contended by the Government with any reason that the starting of the cause of action and the closing of the cause of action should be at the same time. It is a very unreasonable position and I hope the Honourable Member in charge of the Bill would see the error that this clause involves. It is a very reasonable request that is made in the amendment that there should be a period of at least three years after the cause of action starts. After lending the money to the Government people believe that it is a Government pro-note which is as good as a real estate The people concerned may be somewhere and they may not be able to notice all these notifications and they should not be put to the inconvenience of losing interest from the moment that the notification is published. For these reasons, I support the amendment.

Mr. Nirmal Chunder Chunder (Calcutta: Non-Muhammadan Urban): Mr. President, I think there is a great deal of misconception as to the scope of clause 3. As a matter of fact, it is opposed to all juristic principles that a creditor should be in a position to compel the debtor to pay interest even though the debtor is not only willing to pay back the money, but makes a tender. I use the word 'tender' advisedly, because publishing a notification is the only way in which a Government wishing to repay a loan can make a tender. With regard to all that Mr Prakasam has said, if you just imagine how a Government loan is repaid, you will find out that there is nothing much in his argument In the first place, Sir, it

is only the Government promissory notes which provide that Government may not before a particular date pay off the amount. In that case, when Government wish to pay off that loan, I suppose Government will give at least notice of 5 or 6 months or even more. In fact, the thing will be provided for in the Budget, and so forth. So there is no chance of the thing being done, of Government repaying a loan, without the people at large knowing anything about it. Having regard to all these circumstances, however much I may regret it, I think I must differ from Mr. Prakasam.

The Honourable Sir Basil Blackett : Sir, I would appeal to my Honourable friend, Mr. Aney, to withdraw his amendment. I think he is under a misconception. There is no question but that in the original Bill the intention was that there should be a period of limitation in regard to the interest and also that interest should cease to accrue after the date mentioned by the Government as the date on which they would offer to make repayment. There is no change in that matter from the original Bill The change is in regard to the principal. The Honourable Member has, I think, confused limitation with accrual. There is no provision now in the Bill that the interest which was due at the date mentioned as the date of repayment should not be payable to the holder, without any limitation running. What we propose is simply this that after that significant date interest should cease to accrue, and that is, I think, quite in accordance with the legitimate position as between creditor and debtor as was well expressed by Mr. Nirmal Chunder Chunder, namely, that the debtor having offered and made a definite tender of repayment from that date, he should not be liable to continue to pay interest if the creditor for his own purposes does not take repayment then and there.

Mr. President : The question is :

"That in clause 3, in the proposed section 18-A, for all the words occurring after the word 'after' the following be substituted ·

'a period of three years from the date on which a notice for receiving the amount due on such security would be issued'."

The motion was negatived

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Basil Blackett : Sir, I move that the Bill, as amended, be passed.

The motion was adopted

THE VOLUNTEER POLICE BILL.

Mr. President : The House will now resume further consideration of the following motion moved by the Honourable Mr. Crerar on the 24th August :

"That the Bill to make provision to enable volunteer police forces to be constituted temporarily and employed locally for the purpose of preserving the public peace and protecting persons and property, and to define the powers and duties of such police,

[Mr. President.]

be referred to a Select Committee consisting of Maulvi Muhammad Yakub, Mr. J. M. Dunnett, Mr. M. Keane, Mr. A. Rangaswami Iyengar, Mr. B. V. Belvi, Dr. A. Suhrawardy, Pandit Hirday Nath Kunzru, Mr Abdul Haye, Colonel J. D. Crawford, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Lala Lajpat Rai (Jullundur Division. Non-Muhammadan): Sir I regret I cannot support this motion. I have no hesitation in saying that the motive behind the Bill and the abstract principle underlying it are both laudable, but the Bill as presented and the time at which it has been presented force me to raise a series of objections to the Bill. My objections fall under three heads. My first objection is that the Bill is inopportune. This is not the time for such a Bill to be put on the Statute-book. My second objection is that it is liable to be used or abused for communal and political purposes and therefore it should not be proceeded with. My third objection is that the Bill is unworkable and therefore useless. In my judgment it cannot be made workable unless the Honourable the Home Member agrees to radical changes being made in the Bill including that part of it which he considers to be of the essence of the measure.

I will take the last point first. The answer given to me by the Honourable the Home Member on the last occasion, i.e., when he moved the motion for referring the Bill to the Select Committee, was to the effect that the word "temporarily" in the Preamble was of the essence of the measure. I was sorry to see that the reporter of an important Anglo-Indian paper ridiculed my enquiry. There are some persons here in the Press Gallery who are always ridiculing Members on this side of the House. I do not make any grievance of it, but I would like them to listen first before indulging in any ridicule of that kind. Happily or unhappily, I do not stand alone on that point. I have in my hand the opinions given by competent authorities to whom the Bill was sent for opinion. Many officers of Government share my views not only about the dangers of communal and political troubles being accentuated if the provisions of the Bill are put into operation in the present state of public feeling in the country but they also take objection to the word "temporarily". Sir, the Bill provides that a volunteer force is to be recruited "*temporarily*" to meet emergencies. I have carefully read the speech which Sir Alexander Muddiman made at the time when he introduced the Bill. I have carefully read the Statement of Objects and Reasons and I have also listened to the speech made by the Honourable the Mover of the Bill on the last occasion in this House. I find no indication in any of these speeches and statements how a temporary force is going to be trained before any emergency has arisen. A force can be created only when an emergency has arisen. It is admitted on all hands that a force which has not been properly trained and disciplined will be of no use for the emergency. We have not been told how this force will be trained or disciplined in time to meet that emergency. My submission is that the whole thing is left entirely in a nebulous form. The word "temporarily" is extremely vague, and it does not define what is meant by it. Therefore, if an emergency arises and if a force is recruited temporarily for the purpose and if that force is not a trained or disciplined one, it will be of no use whatsoever. If a force is to be trained only during the emergency period, then probably by

the time the force is trained, the emergency will have passed away. Therefore, I submit that the word "temporarily" practically makes the provisions of the Bill unworkable and useless for the purpose for which they are intended. I contend that under the provision of this Bill, the training is to be given after the force has been recruited. Without training, a force of this kind would be useless. Nay, some authorities hold that it would be more embarrassing than helpful.

My second contention is that this is inopportune. We are in the midst of a communal wave and also, I may say, in the midst of a political conflict. In this country, the Government and the people of the country are not identical. The Government is not made by the people. The people have no hand in the constitution of the Government. The Government is not responsible to the people. We often find that the interests of the Government and the interests of the people are not identical The Government of this country is conducted by an official hierarchy, which is recruited mostly from outside. The Government is one which is imposed on us from outside. Under these conditions, it is only natural that those people who are struggling for emancipation, for making this Government responsible to the people, who are struggling for self-government being introduced into this country, should often find themselves in the unhappy position of being up against the official hierarchy that is ruling the country. Their interests not being identical, the conflict, as has been shown on many occasions by actual experience, is very keen and bitter. Under these circumstances, there is a mutual distrust between the two parties which is only inevitable and I should say natural. The people do not trust this Government fully and the Government does not trust the people fully. As a result of this mistrust the people are all divided into two sections—one in favour of the Government and the other against it These latter are Nationalists. Most of the people support the Nationalist party and the Nationalist demands, and whenever there is a cry of disorder and anarchy there is a conflict of opinion between the Nationalist forces and the Government forces What the Government is pleased to call disorder and anarchy is considered to be perfectly legitimate and essential for the political progress of the country by the other side. Therefore, we are not always at one in interpreting disorder and anarchy We may illustrate this from the history of the non-co-operation movement In the days of the non-co-operation movement we found that the Government was ranged on one side and the people on the other. When in 1905 our countrymen in Bengal started the Swadeshi movement, and started the boycott of foreign cloth they had to start picketing shops which sold foreign cloth. In 1921, in pursuance of the non-co-operation programme, the vast majority of educated people who supported that programme started picketing not only the foreign cloth shops but also the liquor shops. Therefore, it is obvious that in this political struggle there are two parties whose interests are diametrically opposed to one another, whose view of law and order and whose view of anarchy and disorder are at variance with one another. Under these circumstances it is natural for both parties not to trust each other fully.

Now, Sir, this point has been raised by several officials to whom this Bill was sent for opinion. They do not like this Bill because they suspect that the recruitment of this force might strengthen the anti-Government forces, *i.e.*, those forces which they consider to be anti-Government. They think it is possible that recruitment might take place with political motives

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and might embarrass and harass the Government. On the other side, we also are suspicious that recruitment might take place with the object of suppressing the political movement on the ostensible ground of disorder and anarchy under conditions which we consider to be unjustified. I mean to say, that though we on our side may not consider that there is any disorder or anarchy to be put down or suppressed the Government may hold a different view and may use the forces raised by virtue of this measure against us to suppress what they consider disorder and anarchy. Under these circumstances we in this part of the House are not prepared to be a party to the giving of any power to Government which might be used against us in the prosecution of our political movement. Therefore, although it is said by several Governments and several authorities that the measure being permissive there is no harm in making an experiment, I for one am not prepared to take that view. We know from experience how permissive measures have been turned into repressive measures, how once a permissive measure has been placed on the Statute-book it has been used for the purposes of repression Therefore, I very seriously doubt whether, under the present circumstances, this measure is a sound one to be put on the Statute-book at least from our point of view.

Some analogies were given by Sir Alexander Muddiman in his speech when introducing the Bill and those analogies have been repeated by several people whose opinion was sought and who have given their opinions. There is the analogy of the General Strike in England and the situation that arose thereunder when the people made an appeal for the maintenance of law and order ; and it is said a similar condition in this country might arise. In fact, some people have said that the non-co-operation movement was a movement of that kind. I submit the analogy does not apply at all In England the people and the Government are one The Government is made by the people and the people are responsible for that Government, while the Government itself is reponsible to the people. In India that is not the case. Neither is the Government responsible to the people nor are the people responsible to the Government Therefore, that analogy does not hold good at all. There is no question of a civic sense of duty. I grant that it is desirable to arouse and develop a civic sense of duty. But this sense of duty can only have full play when both sides recognise their responsibility to each other, when they are for practical purposes one Under the present circumstances this civic sense of duty is liable to be interpreted in different ways by the two parties and therefore I submit the analogy of England has no application. In fact the analogy of those countries which have got self-government does not apply to India, in any case ; and that analogy not being applicable, I submit the object with which the Bill is introduced is not fulfilled. I might perhaps take some risk in the matter if I found that the Bill gave us something tangible and valuable. We are asking every day for the Indianisation of the services, for the Indianisation of the Army and for the Indianisation of the police; and if there be any chance of an auxiliary police force being recruited and raised under this Bill to be used for emergency purposes, perhaps we might find ourselves in a position to support this measure to some extent But that is not the case. No attempt is being made in this case to recruit men to an auxiliary police force to be trained and disciplined and kept in readiness for all emergencies. That is not the case

here. If there were advantages of real discipline and training one might be tempted, even to take the risk that this trained and disciplined force may be used against ourselves, we take that risk when we plead for the Indianisation of the Army. An Indianised army may be used against us by this Government, but then the corresponding advantages that we will have a trained Army ready when we get self-government. But even that much is not granted by this Bill. When on the last occasion I raised the question, the Honourable the Home Member clearly said that the word "temporarily" was of the essence of the Bill. Therefore, I find nothing in the Bill which would tempt me to give my support to it. The objections I have raised go practically to the root of the Bill and I believe that no amount of changes in the language of the Bill are likely to reconcile us to the Bill as at present framed. Some of my friends are of opinion that instead of the District Magistrate and Superintendent of Police being the authorities to recruit this police force and select members, there should be appointed a board of representatives of the people who in conjunction with the District Magistrate and the Superintendent of Police may recruit and select the members of the force. Sir, I am not so simple as to believe that Government is likely to agree to this, and therefore I think it will seem no useful purpose to raise that point in the Select Committee. If, however, the Honourable the Home Member is likely to give us any assurance to that effect, perhaps some of us might be able to change our views. But my objection that the Bill is liable to be used for communal and political purposes, will stand still. In this opinion I am supported by a large number of officials who have given their opinions on this Bill. I submit therefore that the Bill is inopportune. Perhaps it may be useful to have a Bill of that kind at some other time. At present it is liable to be abused and it is liable to increase the mistrust which already exists between the Government and the people.

I therefore oppose the Bill, but before I conclude I desire to show by reading to you some of the opinions of Local Governments and other officials consulted how my views are supported by them At the outset, Sir, I may state that in the opinions received, no opinions have come from the Bombay Government and the Madras Government. I learned on inquiry that no opinions have as yet been received from those Governments. Those are important parts of the country which are entirely unrepresented so far in these opinions. The whole of Southern India have submitted no opinions—at least those opinions have not been given to us and I was told only yesterday that they had not yet been received in the office. So we have to confine ourselves to the opinions of Local Governments in Northern India and I will take first the opinion given by the Chief Commissioner of the North-West Frontier Province, at page 5. You will see, Sir, that he says there :

"I have come to the conclusion that it would not be likely to serve any useful purpose in this province. Volunteer forces have been employed in times of disturbance to assist in the maintenance of order but they have usually been levies employed under their own Khans and it has not been found necessary to give them any particular powers. If an additional force were required it could still be employed in this way and I do not think anything would be gained by enrolling them as volunteer police."

The next opinion is that of the Judicial Commissioner of the North-West Frontier Province. He distinctly says :

"So far the District Magistrates of Kohat, Bannu and Hazara have sent in their opinions. They are opposed to the Bill, though on different grounds. While according to the District Magistrate of Kohat the measure is unsuited to his district, consisting, as it does, almost entirely of a rural population, the District Magistrate of

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Bannu considers it unnecessary in view of the existing provisions of the Police Act which in his opinion are quite sufficient for all practical purposes and should be allowed free operation The District Magistrate of Hazara, on the other hand, holds that it is open to serious objection for two reasons, *viz.* (1) that the public morality is extremely low "—

—that is his own opinion—

"and the existing forces of law and order are regarded with aversion rather than with sympathy and therefore the civic sense has not yet reached such a stage as to make the introduction of a measure of this kind safe and (2) that in any crisis such a Force would only be an added source of anxiety ...... My own opinion continues to be that the Bill is totally and completely unsuited to the people and conditions of the North West Frontier Province "

Then, Sir, we come to the opinion of the Inspector General of Police, North-West Frontier Province. Quoting from one officer he says :

" The scheme in practice would be productive of extra work, embarrassment and anxiety to the Superintendent of Police in times of trouble The third officer, Mr Lawther, in the first place objects strongly to the omission of any provision for the exercise of control over Volunteer Police Forces by the Inspector General of Police, and further points out that the civic sense, involving, as it must, a repression of sectarian and communal prejudices, does not and cannot exist in the India of to day. I fully agree with Mr Lawther and would add that it follows that, without this civic sense, the scheme for the creation of a Volunteer Police Force is not within the range of practical politics "

Then, Sir, we come to the Government of Bihar and Orissa who are very strongly opposed to this Bill They say in paragraph 2 as follows :

" His Excellency in Council considers that the Bill as introduced in the Council is still open to the objections put forward in Mr Sifton's letter and sees no reason to differ from the opinion expressed by Sir Henry Wheeler's Government in that letter that the Bill is unworkable and impracticable, at any rate in Bihar and Orissa "

Every one wants to save his own province from the effects of this Bill.

Then in paragraph 4 the Chief Secretary to the Government of Bihar and Orissa says :

" Further the temporary nature of the Force has been emphasised The force is to be embodied only to meet an emergency and this means that in the stress of meeting a difficult situation the District Magistrate and Superintendent of Police will have to find time to select, enrol and organise it It would be difficult to create discipline in such a force even if it were of a semi-permanent nature ; being merely temporary means that it will be entirely untrained and its value will consist merely of its constitution of ' men of good will '."

Then in the last paragraph, paragraph 6, he says :

" His Excellency in Council would, however, prefer, that the Bill should be dropped forthwith ; experience in Calcutta and Delhi shows that when suitable material is available, the existing law makes it possible to create an emergency force, when such material is not available, the Bill will either be a dead letter or if used will be a source of danger rather than of protection ".

There is another letter, Sir, on this file from the Government of Bihar and Orissa, which says :

" The objects of the Bill are, accordingly, on the one hand, to provide a material *accession of strength* to the regular police for the preservation of the public peace and the protection of life and property, and on the other, to exploit the value of co-operation by the public and to encourage the growth of a civic sense. The Bill, therefore, contemplates the introduction by the District Magistrate of a volunteer police organisation for use in cases of emergency.

The scheme apparently takes its origin from the striking success of special constables in England during the general strike of 1926. The Local Government are convinced that the analogy is misleading."

Then he says :

"It is true that the non co-operation activities five years ago bore some resemblance to the general strike in England, but it cannot be supposed that, if the proposed Bill had been law at the time, any considerable body of voluntary police would have enrolled for restraint of that movement Nor is such a national emergency contemplated in the Government of India's letter as the occasion for the use of volunteer police. The proposal instead is for the local enrolment of volunteers to cope with local disorder."

"Experience of local disorder in more recent years is confined to communal fighting, mostly between Muhammadans and Hindus, and more occasionally, between landlords and tenants To deal with such trouble locally enrolled volunteers would be peculiarly unsuited A force intended to preserve the peace, where communities are in a state of severe tension, must be impartial and that is precisely the element that is lacking when feelings are running high. Where trouble arises concerning *kurbani* or the passage of Hindu music near a mosque, neither Hindus nor Muhammadans would be available, who would be untainted with partisan feeling"

4 P.M.

Then, Sir, there is another paragraph about training and discipline. The Chief Secretary says :

"Such material is entirely lacking in Bihar and Orissa, save in one or two localities where there are settlements of *ex*-sepoys. Before, therefore, the Indian volunteers could be anything but a public danger, there must be weeks of training without which the force, however well meaning and patriotic, would be little better than a rabble It is certain that any District Officer of experience would prefer to rely in trouble upon a small but disciplined force rather than on the same force diluted with untrained volunteers The force must therefore be raised several weeks ahead of anticipated trouble or be useless when the emergency comes"

Then also he says :

"In actual practice the Local Government believe that the Act would be a dead letter in the province Considerable odium attaches in India to the name of police, which, thanks to the rhetoric of the politically-minded classes, is regarded as an executive arm "

What else it can be passes anybody's comprehension. It always is an executive arm, the police in all countries But what follows is more significant. The police

"Is regarded as an executive arm of a *foreign bureaucracy.* The call to support the police would not evoke a patriotic response, for the civic sense is not created by, but is a condition precedent to, the call to public duty The young men of the intelligentsia, even if they were impartial, would not readily join in the event as constables, while the men of the lower classes would be at heart partisans in the event of any communal trouble, and their enrolment would equally embarrass the authorities in dealing with it"

Then, Sir, finally he says, towards the end of paragraph 4.

"For the above reasons, the Local Government are opposed to the general principles of the Bill and regard it as unworkable and impracticable, at any rate in Bihar and Orissa."

Then he says

"It has been pointed out above that, if the force is to be trained (and without training it would be useless) it must be raised in advance of the emergency for which it is to be used"

Then finally the verdict is given in these words :

"For the above reasons His Excellency in Council after consultation with the Ministers is not in favour of the proposed Bill."

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like the Honourable Member (*An Honourable Member* : "Finish it")—to be more brief

Lala Lajpat Rai : The Honourable Members on the Government Benches would of course like that I were to sit down, but I am not going to comply with their request. I have got to discharge my duty. However, in deference to the Chair, I shall remember the advice that has been given and shall not read long extracts but only give the substance of each opinion recorded in these papers. The Deputy Commissioner of Lucknow whose letter consists of two printed foolscap pages summarises his objection in the following words

"To sum up, the proposal is sound in theory as regards the development of a civic sense, and I welcome the implied recognition of the Government of India that the existing police force needs strengthening. The Bill if passed into law might be useful in the event of a grave emergency arising, but cannot be justified on that ground alone as emergencies can be dealt with by Ordinance .

Finally, if the Bill becomes law, I would urge that its provisions are not applied to this district "

Every one says that his own district and his own province should be exempted from the evil effects of this Bill :

"without much fuller and maturer consideration, and without further exploration of general opinion "

On page 19 the District Magistrate of Aligarh raises strong objections to the local use of police force locally enrolled. He says

"I very much doubt whether the time is yet ripe for giving it effect in the general manner suggested "

Then I come to Assam. The Chief Secretary to the Government of Assam says

"...., but the opinions expressed on the details of the Bill indicate clearly that the measure is not likely, in present circumstances, to be of any great practical value in Assam. In the opinion of most of the officials and of some of the non officials consulted, the volunteer police force will be a hindrance rather than a help in times of political or communal disturbances, when the feelings of partisanship will be too strong for their sense of discipline."

Then he says that the opinion in that province is divided. There is one opinion in this case, from which with your permission I shall read to the House, a few sentences. The Superintendent of Police, Sylhet, says :

"The Swarajists and Congress Party will welcome the Bill, if the force is constituted independent of the regular police so that they may better organise their own volunteer corps. The Bill is being construed by them as an attempt to counteract their activities "

The Deputy Commissioner says :

"My personal views on the proposed Bill are distinctly unfavourable "

The Commissioner of the Assam Valley Division says :

"So far as Assam is concerned I think the proposals not likely to be fruitful .... In all racial, communal and quasi-political disturbances the individual sentiments of the persons likely to form the Volunteer Force will be engaged and the force in consequence would be untrustworthy."

I have almost come to the end. The Deputy Commissioner of Darrang says :

"My own opinion is that the time is not yet ripe for introducing such a measure in India."

Then comes the opinion of Mr. Chaliha, Chairman of the Local Board of Sibsagar, a Congress leader :

"Though the proposed objects of the Bill are innocent and even commendable, its provisions are such that it may be utilised against the liberty of the subject and the political advancement of the country unless the men enjoying popular confidence only be recruited and unless the people are given a voice in the decision whether there is such emergency as to call for mobilisation of the volunteer force or whether the force collected is to be disbanded "

Then there are unfavourable opinions of officers of the Bengal Government and Ajmer-Merwara which I will not read.

Well, Sir, I have not read the opinions which are favourable to the Bill. There are some officers who say that the Bill is innocent, it is permissive and that it may be tried. But I hardly find any very strong opinion in favour of the Bill. I maintain that the objections I have urged are very cogent against the Bill and judging from the opinion of the official world so far as it has been expressed in these opinions, the balance of opinion is against the Bill. Their opinions are based on different grounds. Our decision is also based on different ground but there are common grounds also, for example, about the temporary character of the measure, about the inadequacy of the provisions for training and discipline and the danger of its being used for communal and political purposes On these grounds, Sir, I submit that the Bill is not a timely measure and should not be pressed I hope the Honourable the Home Member will withdraw the Bill and introduce it at some more favourable time, in a more favourable atmosphere The present atmosphere is not one in which it is likely to be received with that amount of sympathy and good will, as are necessary for the success of the Bill I therefore oppose the Bill.

Mr. S. Srinivasa Iyengar (Madras City Non-Muhammadan Urban) : I also desire to state my objections to this Bill and shall do so in the briefest possible manner. I consider that this Bill is a piece of political strategy on the part of the Central Government. I consider also that the unsophisticated opinions of the various Local Governments reveal to us that this is neither a sound administrative proposition nor a genuine national proposition. Nobody on this side of the House will be opposed to a genuine attempt to establish a volunteer force on a national and permanent footing for the training of men in civic duties, but that is not really, as I understand it, the purpose or structure of the Bill. Judged, therefore, by the purpose and structure of the Bill, I consider that this is a very half-hearted and strategic attempt on the part of the Government to set up something which is bound to fail. They will then tell us : Behold ! Here is a thing they have been clamouring for that we have given to the people of India. They have been asking for it but they are not able to work it, and therefore there is no use of giving anything further ". Whatever denials or repudiations may come from the other side, to my mind strategy is undoubtedly at the back of this measure. Let me say at the outset that I agree with the Central Provinces Government when they point out that, if you really want in an emergency that

[Mr. S. Srinivasa Iyengar.]

there should be a trained volunteer force, unless it is a permanent force, you cannot have any such thing. Where is the training to come from. The Honourable the Home Member said the other day in answer to Lala Lajpat Rai's question that it will not be within the scope of the Bill to take steps to establish a permanent force Then again, I agree with the opinion of the Commissioner of Police in Calcutta and the Governments of Bengal and Bihar and Orissa that this force will not be of the slightest value in times of communal harassment and trouble. For, as was pointed out very forcibly by the Government of Bihar and Orissa, you do not want a local police drawn from the very factions which are warring with one another to operate as an emergency or temporary force in addition to the ordinary police force. In the ordinary police force it may be taken for granted that owing to years of training there is some measure of discipline and obedience to rules But, if you call a temporary force into existence and try to train it, you can understand how defective it must be and how it must aggravate those very local troubles which it will be the purpose of this particular force to deal with Therefore Sir I certainly prefer the opinions of the Local Governments. though it is a company which I find myself very rarely in. The only doubt which crossed my mind when I read the papers was, why is it that these Local Governments are against it ? May there not be something good in it after all ? But the real purpose of this Bill was soon obvious and I discovered that the Central Government was much more astute than the Local Governments and wanted to lay the responsibility upon the people of this country. and that therefore it was nothing but a political manœuvre which must be resisted by the popular party. There is no administrative necessity and no national purpose behind it. And to go and make this volunteer police force subordinate to the officers in charge of police stations, sub-inspectors and the like, that is really impossible This is a kind of Aman Sabha which will be brought into existence. As to the men of good will to whom Sir Alexander Muddiman referred in his speech when he introduced the Bill at the Delhi Session, we know how the men of goodwill will be manufactured We know what sort of use this volunteer force will be put to Just those troubles which it is sought to reduce this volunteer force will aggravate. That is my fear Of course I have not the great experience that lies at the back of the Government of India, but I do think we have got common sense ; we have also our own experience. and while the heavy responsibility weighs down the shoulders of the Government of India on the other side, we do not forget that the responsibility on our shoulders is no less, and that responsibility compels me to say that this is not a measure with which a popular party can be at all in agreement. Give us an honest, straightforward volunteer force, with full liberty to elect a Committee of this House to organize it. Give us a volunteer force which we can honestly call a national force, and then I can see something in it. Or if it is to be trained as a permanent force there may be sound administrative purpose in it But there is no national purpose behind this force. From the administrative point of view I prefer the wisdom of the Local Government to that of the Central Government. From the national point of view I prefer Lala Lajpat Rai's wisdom and my own misgivings and doubts to the wisdom enthroned on the opposite side. Therefore,

Sir, I feel bound to oppose this Bill unless of course the Honourable the Home Member agrees, of which there is very little chance, to go back upon what he said the other day about making this volunteer police force a permanent force and agrees to make all the other changes in the Select Committee which it will be our object to make. As he is not in agreement with our views it is a futile proposition for us to co-operate with Government in this particular measure and say that it may contain the germs of a really national citizens' guard out of which we may be able to make something at some remote point of time. We have seen how much we are able to make out of anything. I have not the slightest doubt whatever that it will be an impossible position if the District Superintendent of Police and the District Magistrate are given the powers which are proposed to be given in this Bill, if it is expected that really men of repute, men who have got public spirit, are to work as volunteers I do think this is a method of sorting out those followers of the Government, and this Bill will add a large army of those who will be very anxious to have these honorary appointments in addition to the army of title-holders. It is nothing but a political Bill, nothing but an attempt to gather up an army of followers for the Government. Therefore, Sir, however much I may desire that there should be a national police, however much I may desire that there should be a proper volunteer force, I regret I am constrained to oppose this measure, having regard to its purpose and structure as revealed in its provisions, and having regard to the opinions which have been expressed by the Local Governments as to the utter inutility of such a piece of fragmentary legislation that is sought to be put upon the Statute-book.

Mr. M. Keane (United Provinces Nominated Official) · Sir, the arguments of my Honourable friend opposite seemed to me at least to be singularly unconvincing , his speech was amusing but not convincing. He said that this legislation is a piece of political strategy His mind is much too acute not to see where that leads. Having told us in the same breath that every Government in India had opposed this piece of political strategy, he was of course reduced to the position that the Government of India had not even trusted the Local Governments with the secret of this piece of strategy , otherwise of course the Local Governments also would support them in their desire to introduce this Machiavellian scheme ; the Government of India did not want to share the secret You, Sir, will remember who was the originator and the author of this Bill, Sir Alexander Muddiman I leave it to the House to say whether he was likely to be a Machiavelli ; that was not his character In regard to my Honourable friend, the Lala Sahib from the Punjab, Lala Lajpat Rai, I realise that he is opposed to the Bill, and strongly opposed to it, but I was left very vague as to his own individual reasons for opposing it. For the first time, as far as I know, he has based his opinions, his convictions, entirely on the opinions of those whom we are accustomed to hear described as bureaucrats His supporters in every case were the police officers ; he read with great gusto and great commendation the opinions of these officers and he insisted almost in defiance of the Chair in quoting their very words, so that no portion of the honey might be lost. He took a very high line over this very small Bill. He told us that Government and the people are not identical That alone was sufficient to stamp the Bill as bad and something to be rejected But Government

[Mr. M. Keane.]

and the people were not identical when we had the yarn Bill the other day and yet it was carried by the help of the people. The argument that the Government and the people are not identical would be a reason why we should take no Bill on the floor of this House.

Lala Lajpat Rai: I never said that.

Mr. M. Keane: If we take this very high line regarding Bills, we shall never get any Bill. Neither of the speakers who has taken the floor hitherto has attempted to discuss the principles of the Bill itself. These long quotations will not do. We have had before from all over the country very many opinions on the ratio and everything else. But that did not prevent Members of the Assembly from taking each matter into consideration and examining the Bills for themselves.

This Bill, as we know, has two aspects. There is one aspect; the point of view of encouraging the growth of a civic sense. From the second aspect, we desire to create something that will be a help to the police. These two aspects have to be remembered. I need not delay over the first aspect. The Honourable Lala Sahib admitted that it was desirable to encourage the growth of a civil sense and through all those letters that he read it will be found that in every single one of them the desire of the Local Governments is to the same effect. They all bless that particular principle underlying the Bill, namely, the effort to create a civic sense. It is realized, everyone can see it, that the civic sense is growing up about us. It is to be seen everywhere at the present day. Some of its manifestations are due to Western influences but some are indigenous. This civic sense is growing. The seed is there and now we are told that we should let the seed wither and die. There is a call, though no doubt it is a feeble one; are we going to turn our backs on it and pass on our way? We cannot afford being told later—and you know that we have been told so on many other occasions—that when the opportunity was there when we had the seed, we did not help to nourish it. If there is no public opinion behind this thing, then the seed will fall on stony soil, but the fault will not be ours. We will have nothing to reproach ourselves with. The departure is a new one; no man can guarantee success, but we can, at any rate, make our profession of faith. The Local Governments have without exception expressed approval of that particular principle of the Bill.

Now, I will turn to the other purpose of the Bill which has been criticised in some detail and to which most attention has been given in the letters which the Honourable Lala Sahib has read, I mean the purpose of creating a force that will be helpful to the police in times of emergency. The two purposes are not mutually exclusive in any way. You can encourage the growth of a civic sense as well as create a police force that will be useful. Now, the Local Governments, in whose minds the utilitarian purpose of the Bill was uppermost, have, I admit, received the Bill coldly, to say the least of it. But it is natural if you come to consider it that men whose daily duty is the task of administration and who, as we know perfectly well, have at the present time a very inadequate staff, would first like to know what is the practical aid they are going to get from the Bill rather than look to the intangible, possibly visionary aim to which I have been referring, namely, education in civic sense. That certainly is a point of view that must be considered. One was bound to get such

opinions as were quoted from police officers by the Honourable Lala Sahib. These opinions are undoubtedly in many cases opposed to the Bill. For instance the Inspector General of my own Province said that now that the Government of India are determined to go on with this Bill, his duty really is to see how far its dangers are to be minimised. (Laughter.) I forget his exact words, but I think this is the gist of what he said. This position is perfectly understandable. I am ready to quote and give all due weight to these opinions, because I want the House to consider why such opinions are given and why it is not necessary for us, as the Honourable Lala Sahib has done, to accept them unquestionably. What I want to show is that the position of the police officers is perfectly understandable. They are accustomed to deal with a trained force, with men who can and who know how to obey orders They believe that if a volunteer force is given to them, it will be certainly composed of men, who in their opinion will be untrained men over whom their control will be small, men for whom the Bill provides very few and very inadequate punishments Naturally they are doubtful about the utility of such a force. That, I can see and every one can see. Their opposition has been hardened by one special consideration of our own time, a consideration that is colouring the thoughts of every one at the present time, that is the communal situation There is no question that the officers who have dealt with this point have throughout envisaged only a situation in which this volunteer police force will be suddenly brought into operation, suddenly constituted to meet an emergency that has just arisen This whole point, I think myself, has been to a great extent misunderstood by the police officers who have given these opinions and they have all been deceived, as I think the Honourable Lala Sahib has been deceived by the intrusion of the word "temporarily". I cannot say exactly what is in the mind of the Government of India in this matter. (Hear, hear.) But as far as this Bill goes, this word "temporarily" has to be read with the clause in the Bill which lays down that the force will be constituted for such period as the District Megistrate may fix. It is not a force to be constituted only to meet an emergency If it were so, Sir, I quite agree that it would be open to many of the objections raised by Honourable Members on the opposite side. I visualise the force as being brought into operation in normal times (Hear, hear), a force for which there would be time enough to give it training, so that when they are called upon to act, they will not act as a rabble or a mob, but will act as a trained and a disciplined force. There will be opportunity for the District Magistrate to see whether the men who offer themselves for recruitment are suitable or not. He will have an opportunity of testing their character before selecting them and of seeing that they are not men who have suddenly come forward under the spur of some partisan or communal or political feeling to join the force That force in being created will be created temporarily to the extent that it will be for such time as may be fixed and that fixation of time would of course depend on such rules as the Local Government may make subject to the orders of Government of India The rules of the Local Government have to be considered and these rules will show to what extent, for how long, and on what occasions, the force will be constituted, and if that is examined, if that is considered. I think it will then be clear that many of the criticisms which the Honourable the Lala Sahib has read out are robbed of their sting, practically every one of them. (Applause.)

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province: Nominated Non-Official): What about the criticisms of the Honourable Lala Sahib about our distrust of one another. He said that we are incapable of trusting one another and that no useful purpose would be served by having a volunteer force at this time of communal trouble.

Mr. M. Keane: My Honourable friend here asks me what will be the position if they cannot trust one another. My answer there also would be that that would apply mainly if it were a force that would be called up at the very moment the emergency arose. Then I say that the force probably would be stimulated and spurred by feelings from which they could not free themselves, feelings born of their own environment, communal feelings. But this force would be called up in normal times, they would have been enrolled together, their feeling of solidarity would already have been established, their comradeship in the same way cemented, and they would have acquired by that very enrolment beforehand and by their training a feeling of solidarity and comradeship that would, one might reasonably hope, mitigate at least the asperity of communal feeling.

I have little else to say, Sir, and I do not want to take up the time of the House at this late hour. I merely want the House to consider what this little Bill aims at and to take the gift horse which is being offered to us, not to look it in the mouth.

Mr. T. Prakasam (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I thought the Honourable Mr. Keane was delivering a Sermon from the Mount after six years of struggle in this country. He started by saying that this small Bill will create a civic sense of duty in Indians. He says that the seed shall be sown now and if this opportunity is not availed of, it may be that the Government and the gentlemen who are supporting this Government will be finding this seed thrown on a stony soil and it will never grow. If Mr. Keane had been in India and if he had watched the events since 1921 (*Honourable Members*: "He has"), he would have seen what civic sense the Hindus and Muhammadans and the members of all other communities in India possessed and how, not under the orders of the Government but under the orders of the great national organisation, they formed the national volunteer force in 1921 which discharged the duties of all the police and even the military for a period. (Laughter.) Laughter comes from the opposite benches. If they remember that the Governors of Provinces could not get men to take their luggage to the railway stations, then, my Honourable friends would not be laughing. It was the national volunteer force that discharged the duties of the police and the military that made it impossible for the Governors and other officials to command even coolies to take their luggage to the stations during the period of repression. (Continued laughter.) You will laugh as long as the system of government continues to be what it is and until you are forced to vacate your seats. And may I say, Sir, how it started? You will please note that Lala Lajpat Rai, though he made his appeal to withdraw this Bill in the gentlest possible way, has been criticised by Mr. Keane. Lala Lajpat Rai is one of the biggest leaders of India, who violated your law, your unjust law that was promulgated in 1921 declaring the national volunteer forces

unlawful ; he was one of those who courted imprisonment and who had suffered imprisonment on that account. You forged the Criminal Law Amendment Act in 1921 with a view to kill the national life in the country, with a view to destroy the national police and the national volunteer force that had been organised under the ægis of the Congress. Well, Sir, it must be said, to your credit, that with all the forces you could command you could suppress the movement. You succeeded also in suppressing the great non-co-operation movement which was based on non-violence and which meant no offence to any of you, no injury to any of you ; after you succeeded, there was a change in the programme and policy of the Congress ; that great man who has departed, the late Mr. C. R Das, changed the programme and he created a new situation by forcing Congressmen into the Councils and by making dyarchy impossible in Bengal. When you found that that was a greater force than the boycott from without, you wanted to kill that force also and you sent about 110 men as detenus beyond the seas to rot in the Mandalay forts ; and last Session we were all complaining here that a Member of this Assembly, who was one of the detenus, a Member who had been summoned by the Viceroy to attend the Assembly, was prevented from doing so. Here he is present to-day and you will find that he represents the national force of India, and that there are men outside also whose civic sense of duty has not been killed by all your efforts and with all the forces at your command. Now, you are satisfied that the Hindus and Muslims who walked hand in hand, chained through the streets of India when they were members of a national volunteer force are disunited. You imprisoned them both , both suffered for the sake of the country, for the freedom of the land ; and when you saw that Hindu-Muslim unity, upon the basis of which this great movement of Swaraj was started, would take you to the end of your business in India, you thought you should put a stop to that unity. You tried to break it up. (Laughter.) It is not a matter for laughter. I have been one of the unfortunate or fortunate men who had witnessed many centres of the Hindu-Muslim riots, starting from the first one at Multan in 1922 ; (*An Honourable Member* . " Riots now in Nagpur ".) Yes, it is going on now in Nagpur to our shame and sorrow, I say it. And then, Sir, when they saw that Hindu-Muslim unity was so strong that if it continued it would be difficult for them to resist the force of it, agencies were set on foot to break up this Hindu-Muslim unity. That was what I saw in certain centres ; that was the result of my investigation also on the spot ; and they now see to their satisfaction and to the satisfaction of all those who are not interested in the freedom of this country that Hindus and Muslims are breaking each other's heads, are killing each other and destroying each other and this land. Now, they find that this is the opportune moment to introduce this " small " Bill. giving all the power to the District Magistrate to bring into force this army, so that this army might be used against our own people even in these communal riots. Is it not a matter of shame to us that this Bill should be forced on us and that we should have to say that this Bill will be misunderstood and that this would lead to difficulties ? This is what Lala Lajpat Rai has said On that account, so much criticism has been levelled against him. Now, Sir, I say that this Bill is a calculated measure , it is in keeping with the policy that was started in 1921 It is introduced now with a view to remove the last spark of nationalism in this country (*An Honourable Member* : " No, no.") I hear a voice " No, no "; very good. But you

[Mr T. Prakasam.]

must take the whole thing in continuation and see. What is the position of a District Magistrate now in this land? He was the Governor before 1920.

Mr. President: Order, order. Before the Honourable Member proceeds further with his observations, I should like to know what attitude the Government propose to take with regard to this Bill in view of the opposition to it from the non-official side.

The Honourable Mr. J. Crerar (Home Member). Mr. President, I am indebted to you for giving me the opportunity at this stage to explain the position of Government, and I think it would conduce both to the convenience and economy of the time of the House if I indicate the impressions which have been made upon me by the speeches of the Honourable gentlemen opposite and the conclusions to which they lead me. I am naturally considerably disappointed that so many Honourable gentlemen opposite should oppose this measure But I hope that I am logically justified in drawing from their speeches the inference, which is some balm and consolation to me, that there is evidently a substantial degree of satisfaction with and confidence in the existing permanent police force I certainly consider that Honourable gentlemen opposite, though they are not very frequently in the habit of expressing that opinion, have a very strong justification for doing so In particular, I notice with satisfaction that my Honourable friend Lala Lajpat Rai has not limited himself to language from which I could draw any general inference of that kind, but has actually quoted the words of a considerable number of distinguished police officers with high approval . .

Diwan Chaman Lall (West Punjab Non-Muhammadan): On a point of order, Sir. Is the Honourable Member making a speech or is he going to tell us whether he wants to proceed with the Bill or not?

The Honourable Mr J. Crerar: Well, Sir, I do not intend to make a speech at any length, but I think I may be permitted to make a statement which will reasonably convey the actual position.

The Bill has, I think, been in many respects misunderstood or not quite correctly represented. There is nothing in the Bill about an emergency, and there is a provision, with regard to the point raised by my friend Lala Lajpat Rai that the Bill is a temporary one, which I think ought to be intelligible enough There is a provision which enables the District Magistrate to continue such a force from time to time Well, in brief, the measure was frankly an experimental measure Its object was to have a Bill as elastic as possible which would enable a Local Government to feel its way, to initiate a scheme in its jurisdiction or in any part of it, and if the experiment showed promise of happy success, to continue it.

Then, Sir, I should like to say one word more with regard to the suggestion made by more than one Honourable gentleman opposite, that the Bill really represents a strategic or a tactical or a political device. To a large extent that has been replied to and I think adequately replied to by my Honourable friend Mr Keane Really, I think Honourable gentlemen opposite, will, on reflection, be prepared to agree that, having regard to the history of this Bill, it is really far less a matter of politics than of a personality. The personality is that of my predecessor,

Sir Alexander Muddiman, against whom charges of political duplicity and Machiavellian intrigue are not likely to carry conviction either in this House or in any place outside it. And, Sir, I venture to say that I am entitled, if Sir Alexander Muddiman is acquitted on that charge, as I contend he is entitled to be unanimously acquitted on that charge,—I think, Sir, that, as in a sense I inherited this Bill from him, I am entitled myself and personally to share in that acquittal. Because I must most positively and vehemently disavow that in proceeding with this measure I was animated by any calculations of that nature. Sir, it must be obvious to the House, I think, from the nature of the measure, from the terms in which it was introduced by the Honourable Sir Alexander Muddiman and from the attitude which Government have observed throughout, that there was no intention to proceed with this Bill unless it received a substantial degree of support in the various quarters of the House. The Bill has not received substantial support. On the contrary it has received a large measure of opposition. It would be useless to proceed with the measure in those circumstances and, therefore, Sir, I wish to indicate on behalf of the Government that they have no intention of proceeding further with this measure.

Mr. President : Does the Honourable Member ask leave to withdraw this motion ?

The Honourable Mr. J Crerar : Yes, Sir

The motion was, by leave of the Assembly, withdrawn.

STATEMENT OF BUSINESS.

The Honourable Sir Basil Blackett (Leader of the House) : With your permission, Sir, I desire to make a statement regarding the Government business for next week. We propose to ask for orders from you, Sir, that the House should not sit on Monday, the 12th, in order that that day may be devoted to the sitting of the Select Committee on the Criminal Law Amendment Bill. On Wednesday, the 14th, we propose to bring up any Government business which may remain over for disposal from to-day's list, and thereafter, a motion may be made for leave to introduce a Bill to amend the Inland Bonded Warehouses Act Motions will also be made to take into consideration and, if passed, to pass the Indian Divorce (Amendment) Bill and the Assam Labour Emigration (Amendment) Bill, as passed by the Council of State, and the Bill to amend section 59 of the Indian Income-tax Act, which was introduced on Monday last. Thereafter, if time permits, time will be given for further consideration of the Report of the Select Committee on the amendments to the Standing Orders

Tuesday, the 13th, and Thursday, the 15th, have been allotted for non-official Resolutions and Bills, respectively

It is proposed, subject to your orders, Sir, that the House should sit on Friday, the 16th, in oder to take into consideration the Report of the Select Committee on the Criminal Law Amendment Bill, to the passing of which during the present Session Government attach considerable importance, and this Bill will, if not disposed of on the 16th, be taken again on Monday, the 19th, and thereafter we propose to finish any business left over from the list of Wednesday, the 14th.

The House will observe that no time has been allotted for further consideration of the Gold Standard and Reserve Bank of India Bill and

[Sir Basil Blackett.]

for taking into consideration the Imperial Bank of India (Amendment) Bill. Informal discussion of all possible alternative methods of constituting the Bank and forming a directorate has, as many Members of this House are aware, been proceeding actively since last Friday. Various interesting suggestions have been under consideration. But meanwhile a week has passed and the possibility of finding time for the further consideration of these two Bills during the current Session has been rapidly receding into the distance. The House knows that the Government have throughout regarded the shareholders' plan as the one which offers the most satisfactory solution of an admittedly complex problem. The alternatives all raise troublesome and indeed controversial points and the Government would be reluctant to ask the House to adopt any plan when practical working and implications have not been fully investigated and cannot be confidently provided It is obviously desirable that the solution to be finally adopted should be adopted after the fullest consideration. In these circumstances, the Government have regretfully come to the conclusion that the best course in the interests of all concerned is not to proceed with the Bills at present.

Mr. S. Srinivasa Iyengar (Madras City Non-Muhammadan Urban): 5 P.M. I should like to know, Sir, whether there is any chance of this Bill being proceeded with in the Delhi Session?

The Honourable Sir Basil Blackett: I do not think that I can add anything to the statement that I have made That is a question of prophecy

Mr S. Srinivasa Iyengar Is it certain, Sir, that there is any probability of this Bill being proceeded with at all?

The Honourable Sir Basil Blackett I should not like to say "Yes" or "No" to that question I cannot add anything to the statement that I have already made.

Mr Jamnadas M. Mehta (Bombay City Non-Muhammadan) I cannot understand why the Government after deliberately agreeing to a State Bank, are now reopening the question about a Shareholders' Bank.

The Honourable Sir Basil Blackett: I do not think there is anything in my statement which justifies the Honourable Member's remark about the re-opening of the question of the State Bank. I think that if Honourable Members will carefully consider the statement that I have read they will come to the conclusion that that gives them all the information that is available.

Mr. S. Srinivasa Iyengar Sir, I should like to say that this is really not a correct procedure on the part of the Government. No explanation has been given for this extraordinary step that appears to have been adopted I do not know who is responsible for it. There is not the slightest doubt that Members in this part of the House have at great expenditure of time and at great pains co-operated over this in order to establish a national Reserve Bank, a State Bank with elected Indian majority on the directorate on a wide franchise I think the Honourable the Finance Member—the Leader of the House—and Members on the other

side must have been aware of the very strenuous efforts which have been made by non-official Members on this side of the House in order to co-operate with this Government in promoting a State Reserve Bank of a popular type and in bringing it to a successful conclusion. Under these circumstances, Sir, it is a matter of the greatest surprise, it is a matter of painful amazement to us, that the Government have felt themselves obliged not to proceed with the Bill "for the present." It is, if I may say so, a euphemistic way of saying that it is very unlikely that they will proceed with the Bill I can draw my own inference, and Members on this side can draw their own inference. The gentlemen of the Joint Select Committee have sat for over two months over this Bill, any number of public opinions have been received, Members of this House have given it the greatest possible attention, and this has been the *piéce de resistance* of the Simla Session of the Assembly. In these circumstances I do not know on whose initiative [illegible] be treated in this fashion. I [illegible] which we must most emphati[illegible] with this House and its liberties, and have flouted its views. We have exhausted the limits of co-operation in the matter of the State Bank. Members of this House and the public outside will know that there is no use whatever in co-operating with the system of Government which is such as to abort a Bill which has been put on the agenda, upon which plenty of work has been done, and which is practically lost to us We have had no intimation of this before, and no respect has been paid to this House and its rights and dignity. Therefore, Sir, I consider this as a bolt from the blue. One can guess where that bolt from the blue emanates. I say, Sir, that this really makes it impossible for any one to predicate co-operation hereafter on the part of Members of this House with the Government in any business. If this is the way in which we are to be treated, I would respectfully venture to ask you, Sir, to see whether the time has not come for the Standing Orders to be so amended that, when the Assembly is seized of a Bill, the Assembly should have the right to proceed with the Bill notwithstanding any unwillingness on the part of Government to proceed further with the Bill. Members on this side are in a weak position....

Mr. President: It is not the practice of this House to subject statements made by Government Members to any lengthy debate. Honourable Members are entitled to put questions with a view to elucidate these statements I have allowed the Honourable Member, under the special circumstances of this case, to make a brief statement, by way of protest and resentment on behalf of non-official Members at the attitude of Government, but I hope Honourable Members will not go further and use this occasion for a lengthy debate on the statement.

Mr S. Srinivasa Iyengar: Very well, Sir That is not my intention at all I only want to express our most emphatic protest, against this signal insult to this House I think we should like to express our strongest resentment at the way in which we have been treated by the Government, whoever it is, or whichever part it is, because the Government is a corporation. I warn the Government, we consider ourselves to have been treated in the most scurvy fashion

Mr. T. Prakasam: May I know, Sir, whether instructions have been received from the Secretary of State that the Bill should be withdrawn?

Mr. President : The Chair has no information on the subject.

Mr. T Prakasam : May I ask the Honourable the Leader of the House through the Chair, Sir ?

(At this stage all the Members of the Congress Party walked out of the House.)

Mr. President : Does the Honourable Member, the Leader of the Nationalist Party, want to enter a separate protest ?

Lala Lajpat Rai . I just want to associate myself with the protest that has been made by the Leader of the Congress Party

THE CRIMINAL LAW AMENDMENT BILL

The Honourable Mr J Crerar (Home Member) I move that the instructions given to the Select Committee on the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, to present its Report within seven days be withdrawn and that the Select Committee be instructed to present its Report by the 14th September 1927 It has been found impossible, since the passing of the motion to refer the Bill to a Select Committee, to arrange for a meeting of the Select Committee I understand that to-morrow and the following day a large number of the Members of that Committee would find it inconvenient to attend It is proposed that this Committee should meet on Monday next That is the reason why I propose that the time for the presentation of the Report should be extended

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 13th September, 1927

LEGISLATIVE ASSEMBLY.

Tuesday, 13th September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBER SWORN.

Sardar Gulab Singh, M.L.A. (West Punjab : Sikh).

QUESTIONS AND ANSWERS.

TRANSFER OF THE RAILWAY CLEARING HOUSE OFFICE TO DELHI.

913. *Maulvi Muhammad Yakub : Will the Government be pleased to state whether the Railway Clearing House office is to be shifted to Delhi in September 1927 ? If so, why have such orders been passed when the Resolution, of which notice has been given by Maulvi Muhammad Yakub, has not yet been discussed in the Assembly ?

Mr. A. A. L. Parsons : The Clearing House office is being moved to Delhi at the end of this month. The accommodation at Lahore, though it could be made to serve the purpose as a temporary measure, was very cramped, in fact, I understand that some of the clerks there had even during the hot weather to work in verandahs It was therefore most desirable to transfer the office to its permanent location as soon as possible after the question of its location had been decided.

HIRE OR PURCHASE OF BUILDINGS AT DELHI FOR THE RAILWAY CLEARING HOUSE OFFICE.

914. *Maulvi Muhammad Yakub : Is it a fact that the building or buildings have been hired or purchased at Delhi for the Railway Clearing House office contrary to the Financial Commissioner of Railways' reply in the Assembly in the last Session on the 25th March 1927 that in Delhi the Government has its own building which can be occupied at a little or at no cost ?

Mr. A. A. L. Parsons : We have purchased one building for 3 lakhs of rupees after ascertaining that there was no Government building in Delhi which could be made available to us for this purpose It was only a hope which I expressed in the speech to which the Honourable Member has referred, and it has been now found impracticable of realisation.

DEMOLITION OF SOME PARTS OF THE BUILDINGS OF THE LATE OUDH AND ROHILKHAND RAILWAY.

915. *Maulvi Muhammad Yakub : Is it a fact that some parts of the late Oudh and Rohilkhand Railway buildings are being demolished ? If so, why ?

Mr. A. A. L. Parsons: If the Honourable Member refers to the general office building of the Oudh and Rohilkhand Railway at Lucknow the reply is in the negative except that a small bungalow has been condemned as dangerous and is being demolished.

TRANSFER TO LUCKNOW OF THE EMPLOYEES OF THE LATE OUDH AND ROHILKHAND RAILWAY.

916. *Maulvi Muhammad Yakub: Will the Government be pleased to state whether there is any opportunity of bringing the late Oudh and Rohilkhand Railway employees back to Lucknow? If so, when and how?

Mr. A. A. L. Parsons: The attention of the Honourable Member is invited to my speech in this House on the 25th March, 1927, in which I explained how the Government and the East Indian Railway Administration were endeavouring in a number of ways to return old Oudh and Rohilkhand Railway men to Lucknow and other up-country stations.

OPENING OF PRIMARY SCHOOLS FOR MUSLIMS IN AJMER-MERWARA.

917. *Maulvi Muhammad Yakub: (a) Is it a fact that in view of the comparative fall in the number of Muslim pupils in the primary schools of Ajmer-Merwara the representative of the Provincial Muslim League, Rajputana, waited on the Education Member and submitted a memorandum to the Government of India in October 1925, in which, among other suggestions, numerous centres of Muslim population were pointed out as fit places where primary schools for Muslims could be opened?

(b) If the answer be in the affirmative, will the Government be pleased to state if any schools have since been opened in any of those centres?

Mr. A. R. Dalal: (a) Yes.

(b) The Honourable Member is referred to my reply to part (b) of his question No. 849 which was asked in this House on the 5th September, 1927

DEVELOPMENT OF PRIMARY EDUCATION AMONG MUHAMMADANS IN AJMER-MERWARA

918. *Maulvi Muhammad Yakub: (a) Is it a fact that the memorandum by the Provincial Muslim League, Rajputana, submitted to the Government of India in October 1925, reminded the Education Department that in April, 1920, the Honourable the Chief Commissioner of Ajmer-Merwara strongly approved of the formation of a small Committee to develop primary education among Muhammadans?

(b) Is it a fact that the Education Department has not as yet done any thing towards the carrying out of the promise of the Local Government?

Mr. A. R. Dalal: (a) No.

(b) Does not arise.

NUMBER OF STUDENTS REFUSED ADMISSION INTO THE GOVERNMENT HIGH SCHOOL AND THE MOINIA ISLAMIA HIGH SCHOOL IN AJMER.

919. *Maulvi Muhammad Yakub : Will the Government be pleased to furnish the information as to how many students were refused admission during the session by the Headmasters of the Government High School and the Moinia Islamia High School which are the two Government Schools in Ajmer ? How many of these were Muhammadans ?

Mr. A. R. Dalal : A statement, showing the particulars required by the Honourable Member in so far as they are available, is laid on the table.

Name of School.	Number of boys who were refused admission during the session.		
	Hindus.	Muhammadans.	Total.
1. Government High School, Ajmer*	97	16	113
2. Moinia Islamia High School, Ajmer ..	5	26	31
	102	42	144

*For July 1927 only.

N. B.—The present session commenced only from the 1st July 1927.

NUMBER OF MUHAMMADAN AND MAHRATTA TEACHERS IN THE GOVERNMENT HIGH SCHOOL, AJMER

920. *Maulvi Muhammad Yakub : (*a*) Will the Government be pleased to furnish the information as to how many Muhammadan teachers other than Persian and Urdu Maulvis and the Drill Instructor, were on the staff of the Government High School, Ajmer, on 1st April 1917 and on 1st April 1927 ?

(*b*) Will the Government be further pleased to state how many Maharatta teachers were on the staff on these two dates, respectively ?

Mr. A. R. Dalal : (*a*) and (*b*). A statement giving the information required by the Honourable Member is laid on the table.

GOVERNMENT HIGH SCHOOL, AJMER

———	On 1st April, 1917.	On 1st April, 1927.
Number of Muhammadan teachers (other than Persian and Urdu Maulvis and the Drill Instructor).	3	1
Number of Mahratta teachers ..	2	5

SUPERVISING STAFF OF THE BOARDING HOUSE OF THE GOVERNMENT HIGH SCHOOL, AJMER.

921. *Maulvi Muhammad Yakub : Is it a fact the Assistant Headmaster, Government High School, Ajmer, is also the Superintendent of

the boarding house attached to the School and has an Assistant Superintendent under him who also is a Hindu ? Are there any Muhammadan boys in the boarding house ? If so, why has not a Muhammadan been appointed to hold one of the two posts of the Superintendent and the Assistant Superintendent of the boarding house ?

Mr. A. R. Dalal: The answer to the first two queries is in the affirmative. There are only 18 Muhammadans as against 86 Hindus and 12 Jains in the boarding house

ENTERTAINMENT OF UNPASSED GIRL CLERKS IN THE ARMY HEADQUARTERS OFFICES.

922. *Mr Amar Nath Dutt: (a) With reference to the reply to starred question No 1339, dated 22nd March 1926, relative to the employment of unpassed girl clerks in some branches of Army Headquarters, will Government please state whether such clerks are still being entertained in these offices ? If so, why ?

(b) Are passed candidates available to replace them ?

(c) If so, what is the justification to further employ them ?

(d) Was it the opinion of a late Quartermaster General in India that girl clerks were more of a hindrance than a help to Government ?

(e) Why do the branches of Army Headquarters and the Railway Board engage them in preference to duly qualified clerks ?

Mr. G. M. Young: (a) A few lady clerks who are unpassed are still employed because no passed lady clerks are available.

(b) Only passed men clerks are available.

(c) Lady clerks are considered to be more suitable for the work on which they are employed.

(d) No, Sir

(e) For the reason given in my answer to part (c).

I am informed that the only ladies at present employed in the Railway Board's office are two typists and one stenographer.

GRANT OF HOUSE RENT ALLOWANCES TO THE CLERICAL STAFF OF THE ARMY HEADQUARTERS, ETC.

923. *Mr. Amar Nath Dutt: (a) With reference to the reply on 22nd March 1927 to starred question No. 1109, relative to the grant of house rent allowances to the clerical staff of the Army Headquarters, will Government please state whether the amounts have since been worked out ?

(b) If not, why not ?

(c) Has the expert inquiry been instituted ?

(d) If not, when will it be done ?

(e) Will Government please say when the labours of the expert inquiry are likely to be finished ?

(f) Who are the personnel of the inquiry ?

(*g*) Is it a fact that the 2nd Innes Committee recommended some reduction from the officers' establishment of the Army Headquarters ?

(*h*) If so, has any effect been given to these recommendations ?

(*i*) If not, why not ?

Mr. G. M. Young : (*a*) Yes. The net extra cost is estimated at Rs. 1½ lakhs.

(*b*) Does not arise.

(*c*) and (*d*). The officer conducting the inquiry was expected to arrive by the last mail and will begin his inquiry immediately.

(*e*) Probably by the middle of November.

(*f*) The inquiry is being conducted by Mr. H. N. Heseltine, C.I.E., an officer of the Finance Department, who retired in 1918 after 37 years' service, and is an expert in office establishments.

(*g*) Yes.

(*h*) Yes.

(*i*) Does not arise.

GRANT OF NOT-ENTITLED OR INDULGENCE PASSAGES TO CIVILIAN CLERKS OF THE ARMY DEPARTMENT AND ARMY HEADQUARTERS HAVING AN INDIAN DOMICILE.

924. ***Mr. Amar Nath Dutt** : (*a*) Is it a fact that under Army Regulations, India, Volume X, civilian clerks of the Army Department and Army Headquarters are entitled to not-entitled or *indulgence* passages to the United Kingdom and back to India ?

(*b*) If so, will Government please state whether the rule is equally applicable to civilian clerks having an Indian domicile ?

(*c*) If not, why not ?

Mr. G. M. Young : (*a*) A not-entitled passage is a passage to which no one is entitled, but all civilian clerks in the Army Department are eligible for not-entitled passages if vacant berths are available. Under present conditions, the supply of entitled passages is barely sufficient to meet requirements · and there are no berths left over for not-entitled passages, which exist now only in name.

(*b*) The question of domicile has never been raised in this connection.

(*c*) Does not arise.

LEAVE RESERVE FOR THE CLERICAL ESTABLISHMENT OF THE ARMY HEADQUARTERS.

925. ***Mr. Amar Nath Dutt** : (*a*) Is it a fact that the principle of the leave reserve for the clerical establishment of the Army Headquarters has been accepted by the Government ?

(*b*) If so, when is it proposed to give effect to this principle ?

Mr. G. M. Young : (*a*) and (*b*). The question is under the consideration of the Government of India, and a decision will be reached after the report of the officer, who is inquiring into the clerical establishments of Army Headquarters, has been received.

SEPARATE COMPARTMENTS FOR EUROPEAN AND ANGLO-INDIAN AND INDIAN CLERKS IN THE SPECIAL TRAIN RUNNING BETWEEN SUMMER HILL AND THE SIMLA GOODS SHED.

926. *__Mr. Amar Nath Dutt__ : (*a*) Is it a fact that a special train composed of three bogie carriages runs on week days between Summer Hill and Simla Goods Shed to transport clerks of the Army Headquarters residing at Summer Hill ?

(*b*) If so, will Government please state whether there are any orders under which Indian clerks and Superintendents are not allowed to travel in the same compartment with their European and Anglo-Indian fellow clerks ?

(*c*) Are Government aware that there is a widespread discontent among the Indian clerks that they are made to travel with menials and domestic servants of the European and Anglo-Indian clerks in the same compartment ?

(*d*) Are Government prepared to issue orders to stop this practice ?

Mr. G. M. Young : (*a*) Yes.

(*b*) No, Sir, there is no separate reservation for European, Indian or Anglo-Indian clerks.

(*c*) The answer is in the negative Government are not aware of any widespread discontent among the Indian clerks. These clerks are not made to travel with menials or domestic servants.

(*d*) Does not arise.

RETENTION OF THE OFFICE OF THE MASTER GENERAL OF SUPPLY IN SIMLA DURING THE WINTER.

927. *__Mr. Amar Nath Dutt__ : (*a*) Is it a fact that, with the exception of the Master General of Supply Branch, other Branches of Army Headquarters, either wholly or partly, move down to Delhi during the winter months ?

(*b*) If so, will Government please state why this Branch is differently treated in the matter of the move ?

(*c*) Are Government aware that there is widespread discontent amongst the officers and clerks of this Branch that while their confreres in other Branches of Army Headquarters go down to Delhi, they are forced to spend the snowy months in Simla ?

(*d*) Is it a fact that on this account a large number of applications for privilege leave for winter months are received from the civilian clerks of this Branch ?

(*e*) Is it a fact that generally medical certificates are called for from the clerks before leave is granted ?

(*f*) If so, why cannot leave earned and admissible be granted without medical certificates ?

Mr. G. M. Young : (*a*) Yes, Sir.

(*b*) There is not sufficient accommodation at Delhi for all the Branches of Army Headquarters, and there is nothing to be gained administratively by bringing the Master General of Supply's Branch down to Delhi for the winter.

(*c*) There is no discontent amongst the officers, and Government are not aware of any widespread discontent among the clerks.

(*d*) No, Sir. On the contrary, the majority of applications for privilege leave are received, and granted, during the summer months.

(*e*) No, Sir.

(*f*) Does not arise.

ABOLITION OF THE EXAMINATION SYSTEM FOR RECRUITMENT TO THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

928. *Mr. **Amar Nath Dutt** : (*a*) Is it a fact that a proposal for the abolition of the examination system for recruitment to the Government of India Secretariat and attached offices is under contemplation ?

(*b*) If so, when will the decision be arrived at ?

(*c*) Is it a fact that the proposal is to revive the old system whereby recruitment used to be made on the nomination basis ?

(*d*) If so, what will be the fate of those candidates who have already qualified for appointments in the respective divisions at the examinations held by the late Staff Selection Board and the Public Service Commission ?

(*e*) Do Government propose to issue orders to the effect that these men should be given preference to outsiders ? If not, why not ?

The Honourable Mr. J. Crerar : (*a*) The answer is in the negative.

(*b*), (*c*), (*d*) and (*e*). Do not arise.

ALLEGED USE OF A TIME-EXPIRED PASS BY THE SUPERINTENDENT, RAILWAY MAIL SERVICE, T. DIVISION, FOR HIS JOURNEY FROM MADRAS TO TRICHINOPOLY.

929. *Mr. **Amar Nath Dutt** : (*a*) Has the attention of the Director General, Posts and Telegraphs, India, and of the Government of India been drawn to resolution No. 2, passed by the Bangalore Railway Mail Service Association on the 31st October, 1926, and published at page 310 of the General Letter for November 1926 issued by the All-India Postal and R. M. S. Union, Madras Circle ?

(*b*) What are the " card passes " referred to ?

(*c*) Were they issued before or after 1st April 1926 ?

(*d*) If before the 1st April 1926, how were they current after the 1st April 1926 when passes had been withdrawn ?

(*e*) Is it true that the Superintendent, R. M. S., T. Division, travelled under cover of such a time-expired pass from Madras to Trichinopoly on

the 18th September, 1926, in a first class compartment, and was challenged by the Travelling Ticket Examiner, Mr. Srinivasa Iyengar, at Tanjore?

(*f*) When was this time-expired pass actually withdrawn from the Superintendent?

(*g*) Did the Superintendent use that pass from the 1st April 1926 up to the date of withdrawal?

(*h*) If so, did he deduct in his travelling allowance bill the railway fare covered by the free pass? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: Government have no information on the subject. Enquiries are being made and a reply will be sent to the Honourable Member in due course.

RETENTION OF EXCESS CLERKS IN THE OFFICES OF SUPERINTENDENTS OF POST OFFICES AND THE RAILWAY MAIL SERVICE.

930. ***Mr. Amar Nath Dutt**: (*a*) Is it a fact that orders have been issued that no clerk should be retained excess in the offices of the Superintendents of Post Offices and the Railway Mail Service?

(*b*) When were the orders issued?

(*c*) Is it also a fact that Superintendents are asked to certify in their diaries that no excess clerks are retained in their offices?

(*d*) Is it a fact that one K. Ramaswamy Pillai was retained in the office of the Superintendent, R. M. S, T. Division, Trichinopoly, in excess from January 1927 to June 1927?

(*e*) Have Government taken notice of this irregular retention?

Mr. H. A. Sams: (*a*) Yes.

(*b*) 7th March, 1927.

(*c*) Yes

(*d*) Information has been called for and will be furnished to the Honourable Member in due course.

(*e*) Action will be taken if necessary.

APPOINTMENT OF VENKATASWAMY, POSTAL MAIL OVERSEER, NELLORE DIVISION, AS A MAIL GUARD IN THE RAILWAY MAIL SERVICE, TRICHINOPOLY.

931. ***Mr. Amar Nath Dutt**: (1) Is it a fact that one Venkataswamy, postal mail overseer, Nellore Division, has been appointed a mail guard Trichinopoly Railway Mail Service in May 1927?

(2) If so, will Government kindly state if the appointment is permitted by the rules of the Department?

(3) Has the appointment blocked the promotion of van peons to the post of mail guards?

(4) Is it a fact that this Venkataswamy travelled in the mail van with section T.-2 Out Set No 3 on the 28th May, from Trichinopoly to Egmore on a requisition given by the Sub-Record Clerk, Trichinopoly R. M. S.?

(5) What appointment did he hold on the date in the Railway Mail Service and why was he allowed to travel at Government cost from Trichinopoly to Egmore ?

(6) Is it true that the present Superintendent, Railway Mail Service, T.-Division, was in 1924 Superintendent of Post Offices, Nellore Division ?

Mr. H. A. Sams : (1) Yes. But he did not join.

(2) Yes. Direct recruitment is permitted.

(3) Does not arise, in view of the reply to (1).

(4) and (5). Information has been called for and will be supplied to the Honourable Member.

(6) Yes. Up to 1st September, 1924.

IMPROVEMENT OF THE PROSPECTS AND TERMS OF SERVICE OF SUPPLY AND TRANSPORT STORE-KEEPERS IN THE INDIAN ARMY SERVICE CORPS.

932. ***Rao Bahadur M. C. Rajah** : (*a*) Will the Government please state the total number of candidates that offered themselves for the clerical and storekeepers' appointments respectively at each of the last two examinations for recruitment in the Indian Army Service Corps of Supply and Transport clerks and storekeepers ?

(*b*) What is the total number of qualified candidates on the waiting list for clerical and storekeepers' appointments respectively ?

(*c*) Is it a fact that the storekeepers have to prove their knowledge of book-keeping in addition to passing the usual test which is common for clerks and storekeepers ?

(*d*) Is it a fact that the storekeepers have to deposit a cash security of Rs 1,200 which is not demanded from clerks ?

(*e*) Is it also a fact that the scale of pay of storekeepers is much lower than that of clerks ?

(*f*) When do the Government propose to improve the prospects and terms of service of the Supply and Transport storekeepers to attract a sufficient number of qualified candidates ?

Mr. G. M. Young : (*a*) 750 candidates applied for clerical appointments and 62 for storekeepers' appointments in the last examination but one. The numbers for the last examination were 738 and 180, respectively.

(*b*) 127 for clerical appointments and none for storekeepers' appointments

(*c*) Yes.

(*d*) Yes, because storekeepers have charge of valuable Government stores. Interest on this security is paid annually to the storekeeper.

(*e*) No, Sir. The initial pay of clerks and storekeepers is the same. The prospects of the clerks and of those storekeepers who are employed in the M. T. Branch are slightly better than those of storekeepers in the Supply Branch

(*f*) A sufficient number of qualified candidates already apply for appointment as storekeepers ; the remainder of the question does not therefore arise.

APPOINTMENT OF CANDIDATES WHO PASSED THE QUALIFYING TEST FOR CLERKS FOR THE INDIAN ARMY SERVICE CORPS AS SUPPLY AND TRANSPORT CHECKERS.

933. ***Rao Bahadur M. C. Rajah** (*a*) Is it a fact that a large number of candidates who passed the Indian Army Service Corps examinations for clerical appointments as early as in March, 1926, have not so far been provided ?

(*b*) How many posts of Supply and Transport checkers have been filled since March 1926 ?

(*c*) Were all or any of these posts of checkers which were offered to passed clerks accepted by any of them ?

(*d*) Do the Government propose to issue instructions to the effect that in future all vacancies of checkers should first be offered to passed clerks that have not so far been appointed ?

Mr. G. M. Young : (*a*) Yes

(*b*) 43

(*c*) Three of the candidates who passed the qualifying test for clerks have been appointed checkers.

(*d*) Yes.

AGE LIMIT PRESCRIBED FOR DEPARTMENTAL PROMOTIONS IN CERTAIN SERVICES.

934. ***Rao Bahadur M. C Rajah** . (*a*) Will the Government please state whether any age limit is prescribed for the promotion of postal officials from the grade of Inspector to that of Superintendent, or for departmental nomination for the All-India Accounts and Audit Service, or for promotion from the ministerial appointment of a Superintendent in the Secretariat to that of Assistant Secretary ?

(*b*) Is it a fact that departmental candidates holding permanent appointments in the second division of the Secretariat are not considered eligible candidates for examination for the first division of the Secretariat if they are above thirty ?

(*c*) If so, when do the Government propose to remove this restriction ?

The Honourable Mr. J. Crerar : (*a*) I understand that promotion to the grade of Superintendent of Post Offices is allowed to postal officials after they have passed the departmental examination. Ordinarily no one is nominated for the examination whose age exceeds 31 years There is no age limit prescribed for the promotion of subordinates to the Indian Audit and Accounts Service, or of members of the ministerial establishment to the rank of Assistant Secretaries in the Departments of the Government of India.

(*b*) Yes.

(c) Government do not consider that it is in the interests of the public service that clerks in the Secretariat should continue year after year to prepare and enter for examinations till an advanced age, and the age of 30 appears to represent a reasonable limit.

GRANT OF PERMISSION TO ASSISTANTS OF ATTACHED OFFICES TO APPEAR AT DEPARTMENTAL EXAMINATIONS FOR PROMOTION AS SECRETARIAT ASSISTANTS.

935. ***Rao Bahadur M. C. Rajah** : (a) Will the Government state the nature of work usually entrusted to (a) second division clerks of the Secretariat (b) assistants of attached offices and (c) assistants of the Secretariat ?

(b) Is it a fact that the duties of attached office assistants are more like those of the Secretariat assistants than of those of the second division Secretariat clerks ?

(c) Is it a fact that second division Secretariat clerks are usually considered eligible for departmental examination for the Secretariat assistants and that the attached office assistants are not permitted to appear at *departmental* examinations for promotion as Secretariat assistants after passing the usual examination ?

(d) When do the Government propose to remove this treatment accorded to the attached office assistants ?

The Honourable Mr. J. Crerar : (a) I would refer the Honourable Member to the reply given by the Honourable Sir Alexander Muddiman on the 15th September, 1925, to Mr. Mahmood Schamnad Sahib Bahadur's question No. 943.

(b) No, Sir. I should say it was a matter of opinion.

(c) No purely departmental examinations are now held for promotion to the upper division All candidates who are eligible under the rules, whether outsiders or departmental, are examined together and the successful candidates come on to a common list from which selections are made for appointments in the upper division.

(d) Does not arise

REVISION OF THE PAY AND PROSPECTS OF FIRST DIVISION ASSISTANTS IN ATTACHED OFFICES.

936. ***Rao Bahadur M. C. Rajah** : (a) Is it a fact that the following educational qualifications were prescribed for admission to the Staff Selection Board examination in 1920, namely—First division Secretariat, University Degree, first division attached offices, University Degree, second division Secretariat, Intermediate ?

(b) Is it also a fact that the following educational qualifications were prescribed for admission to the Public Service examination in 1926—First division Secretariat and also attached offices, Intermediate, second division Secretariat, Matriculation ?

(c) Is it a fact that the educational qualifications and also the nature of work expected from attached office first division is more like that of the Secretariat first division than the Secretariat second division ?

(*d*) Is it a fact that the scales of pay and allowances (specially the maximum pay) of first division attached offices is not better than those of the second division Secretariat ?

(*e*) Is it a fact that the prospects of departmental promotion to the first division Secretariat are better for the second division Secretariat than for the first division attached offices ?

(*f*) When do the Government propose to revise the pay and prospects of the first division attached offices to bring them nearer to the first division Secretariat ?

The Honourable Mr. J. Crerar: (*a*) Yes

(*b*) For the examination conducted by the Public Service Commission, Ministerial Selection Branch, in November, 1926, the Intermediate standard of any University or the Senior Cambridge was prescribed as the minimum educational qualification required of outside candidates for the first and second division.

(*c*) No exact comparison can be made as conditions vary so widely.

(*d*) The scale of pay for first division assistants in an attached office is Rs 120—8—160—10—350 and, in certain offices Rs. 220—12—440.

The scale for second division Secretariat clerk is Rs. 100—8—172—*efficiency bar*—180—8—300 with a special grade of Rs 300—25—350. The special grade is confined to those who show special merit and capacity and fulfil certain other conditions of service it is also subject to a limit of 10 per cent. of the permanent staff It will be seen that the two scales are not strictly comparable

(*e*) It is open to an attached office assistant, who is duly qualified, to apply for a post in the Secretariat first division

(*f*) The Government of India do not propose to take any action in the matter.

REVISION OF THE PAY OF THE ESTABLISHMENT OF ATTACHED OFFICES.

937. *Rao Bahadur M C. Rajah (*a*) Will the Government please state the date on which they received the representation from the attached offices for revision of their pay ?

(*b*) What has been the cause of delay in announcing the decision and what is the present stage of the case ?

(*c*) When do the Government propose to issue orders and when do they propose to give retrospective effect from the date on which they received the representation or the date from which they sanctioned increase in the scale of pay of attached office stenographers ?

The Honourable Mr. J. Crerar: (*a*) The representation was received in June 1926.

(*b*) and (*c*). It was necessary to obtain the views of all Departments of the Government of India in the matter. Orders declining to undertake any general revision of pay were issued on the 5th September, 1927.

†938.*

† Not asked at the meeting, but the question and the answer thereto will be found at pages 4231—32 of these proceedings.

CARRIAGE, FREE OF CHARGE, BY THE MADRAS AND SOUTHERN MAHRATTA RAILWAY OF CLOTHES AND OTHER NECESSARIES OF LIFE FOR THE SUFFERERS FROM FLOODS IN GUJARAT.

939. *Mr. D. V. Belvi : Will Government be pleased to state :

(a) If their attention has been called to a message from the Free Press of India under the caption "Karnatak Workers for Flood Areas" published in the issue of the *Indian Daily Herald* of Bombay in its issue of the 22nd August, 1927 ?

(b) If so, whether it is true that the Madras and Southern Mahratta Railway Company has refused to carry clothes and other necessaries of life for the benefit of sufferers from the floods in Gujarat from the Karnatak, free of charge ?

(c) If they will lay on the table the correspondence on this subject between Dr. N S. Hardikar and the said Railway Company ?

Mr. A. A. L. Parsons : Government have received an extract copy of the article referred to from the Honourable Member and are making enquiries the result of which will be communicated to him

TRAVELLING ALLOWANCE OF INDIAN APPRENTICE ENGINEERS OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

940. *Rai Sahib Harbilas Sarda : (a) Is it a fact that under the rules in force on the Bombay, Baroda and Central India Railway all apprentice engineers on that line are entitled to receive travelling allowance at the rate of Rs. 4 per night ?

(b) Are Indian apprentice engineers paid travelling allowance at that rate ?

(c) If not, will Government give reasons why this is not done ?

Mr. A. A. L. Parsons : (a) Yes.

(b) The rule draws no distinction between Indians and non-Indians.

(c) Does not arise.

TOTAL NUMBER OF APPOINTMENTS ON RS. 500 AND OVER ON STATE RAILWAYS.

941. *Mr. Ram Narayan Singh : (a) Will the Government be pleased to state the number of appointments carrying a salary of Rs. 500 and above in the Railway Departments under the Government ?

(b) How many of these appointments are held by Indians (excluding Anglo-Indians) in general and by Biharis in particular ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to Appendix 'F' in the Report on Indian Railways, Volume I, for 1925-26. Anglo-Indians are not shown separately from other Indians in this Appendix ; but, as I explained to the House the other day, we propose to separate the figures in future. Our statistics do not show the provinces from which employees come.

TOTAL NUMBER OF CIVIL ENGINEERS IN THE RAILWAY DEPARTMENT.

942. *Mr. Ram Narayan Singh: (a) What is the total strength of civil engineers in the Railway Departments under the Government?

(b) How many of these railway civil engineers are Indians (excluding Anglo-Indians)?

(c) Is any of these Indian civil engineers in the Railway Department a Bihari?

Mr. A. A. L. Parsons: The permanent engineer officers number 310, of whom 87 are Indians, excluding statutory Indians. Government do not know how many are Biharis.

APPOINTMENT OF INDIANS AS RAILWAY CIVIL ENGINEERS.

943. *Mr. Ram Narayan Singh: (a) Will the Government be pleased to state the number of posts of railway civil engineers that fell vacant within a period of the past five years and also the number of Indians (excluding Anglo-Indians) who were appointed as such?

(b) Will the Government be pleased to state the number of posts of railway civil engineers that are likely to fall vacant in the coming five years?

(c) Will all these posts be filled up by qualified Indians? If not, why?

Mr. A. A. L. Parsons: (a) 39. 19 Indians, excluding statutory Indians, were appointed.

(b) 60 approximately.

(c) They will be filled in accordance with the regulations published with Railway
4048-E, dated
dated 17th Ju

APPOINTMENT OF QUALIFIED INDIANS AS RAILWAY CIVIL ENGINEERS

944. *Mr. Ram Narayan Singh: (a) Are the Government aware that a large number of Indians including some Biharis having qualified themselves for the posts of railway civil engineers from British Universities are sitting idle for want of employment?

(b) Will the Government state the number of applications from Indian candidates for the above posts?

(c) Is there any such application from a Bihari candidate?

Mr. A. A. L. Parsons: (a) Government are aware that some Indians have returned from abroad having qualified as civil engineers in British Universities.

(b) and (c). Appointments are made in accordance with the regulations referred to in the reply given by me to the Honourable Member's previous Q
the Sele
quently
were re

mention that out of a quota of 7 candidates for the Indian Railway Service of Engineers allowed to the Bihar and Orissa Province for the 1926 examination, that Province nominated only 4 candidates. None of these qualified at the examination.

INDIANISATION OF THE RAILWAY DEPARTMENT.

945. *Mr. Ram Narayan Singh : Is it a fact that the Government are pledged to Indianise the Railway Department? Are the Government prepared to announce and to definitely direct the Railway Board that qualified Indians being available, all vacancies in all grades of the Railway Department shall in future be filled up by Indians?

Mr. A. A. L. Parsons : The policy of Government is that recommended by the Lee Commission in paragraph 42 (*d*) of their report. I would refer the Honourable Member to the Railway Department's Resolution No. 2658-E., dated 15th July, 1926, in which it was announced that those recommendations of the Lee Commission were accepted by Government.

REPAIR OF BREACHES OF THE LINE ON THE BENGAL NAGPUR RAILWAY.

946. *Pandit Nilakantha Das : (*a*) Are Government aware that the Bengal Nagpur Railway Company expected to repair the breaches of the line due to the Orissa floods in three weeks?

(*b*) When are they going to resume regular traffic?

(*c*) Did the Engineer, Bengal Nagpur Railway, suddenly reduce the wages of labourers working on the breaches to 8 annas per day, thus making about 2,000 men leave work three or four days ago?

(*d*) Do Government propose to ask the Company to raise wages so that the distressed people of the locality may find it possible to work?

Mr. A. A. L Parsons : (*a*) and (*b*). Our latest information is that the Bengal Nagpur Railway Administration expect through running to be restored by the 15th of this month. They originally hoped to repair the very extensive breaches on the East Coast line earlier, but have been much hampered by further floods from the Baitarani river.

(*c*) and (*d*). Government have received no information to this effect and do not propose to address the Railway Administration on the subject.

RETRENCHMENT ON THE BENGAL NAGPUR RAILWAY.

947. *Pandit Nilakantha Das : Have the Railway Board issued any new orders this year for retrenchment to the Bengal Nagpur Railway?

Mr. A. A. L Parsons : No The Honourable Member is possibly referring to letters which the Railway Board issued this summer to all Railway Administrations suggesting an investigation by them of methods whereby they could obtain economy in administrative charges and in their expenditure on the repairs and maintenance of rolling stock. I am having copies of these letters placed in the Library.

RETRENCHMENT ON THE BENGAL NAGPUR RAILWAY.

948. *Pandit Nilakantha Das : (*a*) Were there any complaints purporting that the present retrenchment in the Bengal Nagpur Railway is

contemplated as a measure of retaliation against the recent strike by means of (*i*) representation or deputation ; (*ii*) meetings and resolution ; (*iii*) criticisms in the Press ?

(*b*) If so, what are those complaints and how were they met ?

Mr. A. A. L. Parsons : Government have received no complaints to this effect, though, I believe, that there have been suggestions in one or more papers to the effect that the contemplated reduction in the staff of the Kharagpur workshops is a measure of victimization. I am, therefore, very glad to be able to take this opportunity of stating publicly that this is not so. The reductions are entirely due to the fact that there is not now, and is not likely to be for a very considerable period, sufficient work in the Kharagpur workshops to keep the present number of men there employed.

As I have explained in reply to a question recently put by Mr. Joshi, no question of retrenchment arises.

Mr. N. M. Joshi : May I ask whether Government are aware that Mr. Towers, the Works Manager of the Kharagpur Shops, issued instructions to the foremen that those people who had acted as blacklegs during the last strike should not be retrenched at any cost ?

Mr. A A L. Parsons : I am not aware of it, but if any such instructions were issued they were quite without authority.

Mr. N. M. Joshi : Will the Government inquire whether such instructions were issued and what steps do Government propose to take to deal with the officer who issued such instructions ?

Mr. A. A. L. Parsons : As I have said, I am not aware that such instructions have been issued. I will make inquiries.

RETRENCHMENT ON THE BENGAL NAGPUR RAILWAY.

949. ***Pandit Nilakantha Das** : (*a*) How many men have been discharged during the last six months in the Bengal Nagpur Railway ?

(*b*) How many of them had put in more than three years' service or regular work ?

(*c*) How many permanent employees have been discharged under the present policy of retrenchment ?

(*i*) How many in 1926,

and (*ii*) How many in 1927 up-to-date ?

Mr. A. A. L. Parsons : (*a*) and (*b*). I presume that the Honourable Member is referring to discharges from the Kharagpur workshops. If so, as has been explained in replies recently given to the Honourable Mr. Joshi, 178 men were discharged prior to the issue of the recent notice of reduction in establishment and it is proposed to dispense with the services of about 2,000 more either by voluntary resignations or by discharges. Government are not aware how many of the men who have been formerly discharged had put in more than three years' service but, as is explained in the notice, a copy of which has previously been laid on the table, the reduction will be made, in the first place, from men approaching or past 55.

(c) No employees have, so far as Government are aware, been discharged *during the two years mentioned as a measure of retrenchment.*

Mr. N. M. Joshi : May I ask whether the Government are aware that during the last two months, when proposals for economy were being considered, the Bengal Nagpur Railway engaged more than 300 new men ?

Mr. A. A. L. Parsons : I do not think I have received any information to that effect, Sir. If the Honourable Member will give me the information in his possession, I shall be glad to inquire

Pandit Nilakantha Das : Was any assurance given that men working more than three years would not be discharged ?

Mr. A. A. L. Parsons : No assurance was given to that effect, but as was explained in the notice, the methods adopted to effect the reduction are as follows :

> First of all, voluntary resignations, which were acceptable up to the 7th September ; thereafter people who were approaching the age of retirement, that is to say, men of the age of 54 or 55 , thereafter by selection from persons according to their work, men who had done the best work naturally being retained. I did however bring to the notice of the Agent of the Bengal Nagpur Railway, as the result of a question put to me by some Honourable Member when last the subject came up before this House, the suggestion that he should, other things being equal, give preference in retention to those people who had had done a good many years of good service on the railway.

RETRENCHMENT ON THE BENGAL NAGPUR RAILWAY CONSEQUENT ON THE INTRODUCTION OF PUNCHING AND THE DISC SYSTEM.

950. ***Pandit Nilakantha Das** : (a) Did the Loco-Auditor, Bengal Nagpur Railway, introduce punching and the Disc system ?

(b) What was the retrenchment achieved in introducing that system ?

(c) Is the system working ?

Mr. A. A. L. Parsons : Information has been called for from the Bengal Nagpur Railway and will be supplied to the Honourable Member on receipt

RETRENCHMENT ON THE BENGAL NAGPUR RAILWAY CONSEQUENT ON THE INTRODUCTION OF ADDRESSOGRAPH AND GRAPHOTYPE AND ACCOUNTING MACHINES.

951. ***Pandit Nilakantha Das** : (a) Has the Loco.-Auditor introduced any Addressograph and Graphotype machine, and accounting machine for compilation of pay sheets, etc. ?

(b) What is the entire cost of the establishment of those machines ; and what is the price of the machinery ?

(c) What retrenchment has the new machinery arrangement effected ? Will the Government please give an exact estimate ?

Mr. A. A. L. Parsons: Information has been called for from the Bengal Nagpur Railway and will be supplied to the Honourable Member on receipt.

EXPENDITURE ON THE BENGAL NAGPUR RAILWAY FOR SUPERIOR AND SUBORDINATE SUPERVISING STAFFS.

952. ***Pandit Nilakantha Das** : Will the Government give statements comparing in the Bengal Nagpur Railway the estimated expenditure between 1920-21 and 1926-27 :

(i) for the maintenance of superior supervising staffs under the heads

(a) Engineering, (b) Loco Carriage, (c) Traffic, (d) Agency, (e) Audit, (f) Stores, (g) Watch and Ward ; and

(ii) for the maintenance of subordinate supervising staff under the heads

(a) Engineering, (b) Loco. Carriage, (c) Traffic, (d) Audits, (e) Agency, (f) Stores ?

Mr. A. A. L. Parsons : As I explained on the 7th instant in reply to a question by Mr. Joshi, the final figures for 1926-27 are not yet available ; but I will supply the Honourable Member with the information required as soon as they come in.

Pandit Nilakantha Das Will the Honourable Member lay the information, when received, on the table ?

Mr A. A L. Parsons : I will see what the size of the statement is, Sir. If it is not long, I will lay it on the table ; otherwise I will place it in the Library.

CASES OF ASSAULT BY SUPERIOR OFFICERS ON WORKERS AND LABOURERS IN THE BENGAL NAGPUR RAILWAY.

953. ***Pandit Nilakantha Das** : (a) Are the Government aware of the statement of the Agent, Bengal Nagpur Railway, in the supplement to Bengal Nagpur Railway, Gazette No. 8 of 19th February 1927, that "undoubtedly such cases (of assault by superior officers on workers and labourers) do occur, and inevitably must occur owing to the frailties of human nature, but any proved cases of physical violence and gross and excessive abuse will be promptly dealt with " ?

(b) How many cases of assault, bribery, victimisation, ill-treatment and harassment have since come to the notice of the Agent, and how have they been dealt with ?

(c) How, in this connection, has the Agent dealt with the persons concerned in the recent case Mr. Mclaren versus Mewaran (A/I? case No. 1035 of 1927, in the Court of Md. F. Karim, Deputy Magistrate, Midnapur) ?

Mr. A. A. L. Parsons: I have called for the information and will communicate with the Honourable Member when it is received.

ALLEGED ORGANISED CONSPIRACY OF MUHAMMADANS TO MURDER HINDUS.

954. ***Pandit Nilakantha Das**: (*a*) Has the attention of the Government been drawn to the large Hindu meeting in Delhi held on 26th August 1927 where a resolution referred to an organised conspiracy of Muhammadans to murder Hindus?

(*b*) Do the Government contemplate in any way moving in the matter?

The Honourable Mr. J. Crerar: (*a*) Government have seen references to the meeting.

(*b*) Government do not accept the fact that there is any such conspiracy.

DEPARTMENT OF INDUSTRIES AND LABOUR AND THE PUBLIC WORKS DEPARTMENT.

955. ***Pandit Nilakantha Das**: (*a*) Is it a fact that the late Department of Industries and the Public Works Department were amalgamated into the newly formed Department of Industries and Labour in 1923 as a measure of retrenchment?

(*b*) Is it also a fact that the two Departments still remain as separate units with separate establishments, etc, with a common Secretary? If so, why so?

(*c*) Do Government propose to merge them into one? If so, when?

The Honourable Sir Bhupendra Nath Mitra: (*a*) Yes, partly in pursuance of the recommendations of the Inchcape Committee, and partly as a measure of general administrative convenience

(*b*) Yes, because this arrangement has hitherto been found convenient.

(*c*) There is no such intention at present.

MAIL SUBSIDIES TO THE BRITISH INDIAN STEAM NAVIGATION COMPANY AND THE PENINSULAR AND ORIENTAL STEAM NAVIGATION COMPANY.

956. ***Lieut.-Colonel H. A. J. Gidney**: 1. Will the Government please state if any subsidies are given to the British Indian Steam Navigation Company and the Peninsular and Oriental Steam Navigation Company for:

(*a*) carrying overseas Imperial Mail to Europe, and

(*b*) Indian Mails in Eastern waters including ports in India and Burma?

2. If so, will the Honourable Member please inform this House of the total amount of such subsidies per annum?

Mr. H. A. Sams: 1 and 2. The subsidy paid to the British Indian Steam Navigation Company annually is Rs 16,18,000, while a sum of £22,000 is paid annually to the British Government as India's share of the subsidy payable to the P. and O. Company.

DISCONTENT CAUSED BY THE PROMOTION OF MR. T. MANSER, ASSISTANT ENGINEER, TO THE 1ST DIVISION OF THE TELEGRAPH ENGINEERING BRANCH.

957. ***Lieut.-Colonel H A. J. Gidney** : (*a*) Are Government aware of the discontent which the recent promotion of Mr. T. Manser, Assistant Engineer, to the 1st Division of the Telegraph Engineering Branch has caused ?

(*b*) Is it a fact that Mr. Manser superseded 13 Deputy Assistant Engineers in 1925 and 10 Assistant Engineers in 1927 ?

(*c*) Will the Honourable Member be pleased to state the qualifications possessed by Mr. Manser which entitled him to such a whirlwind promotion by selection ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No.

(*b*) Yes

(*c*) Promotion from the 2nd to the 1st Division of the Engineering Branch is a matter of pure selection. In the case of Mr Manser, his promotion to the 1st Division was made by Government after consultation with the Public Service Commission. The Commission reviewed the cases of all men senior to Mr Manser in the 3 Engineering Branches and advised that he was the most suitable man for promotion.

Lieut -Colonel H A. J. Gidney : Will the Honourable Member kindly tell me whether it is a fact that all such departmental promotions depend entirely on the recommendations of the Head of the Department, and that, outside this as also the files of the applicants before them, the Public Service Commission are in no position whatever to give an independent and impartial opinion on the comparative suitability of the qualifications of the candidates

The Honourable Sir Bhupendra Nath Mitra : The answer to the first part of the Honourable Member's question is in the negative. It is not a fact that these promotions depend entirely on the opinions expressed by the Head of the Department. With regard to the second part, the Public Service Commission are undoubtedly in a position to arrive at a correct judgment after examining the various records placed before them.

Lieut.-Colonel H A. J. Gidney : Arising out of that answer, Sir, will the Honourable Member please state whether it is a fact that the Public Service Commission, realising their difficulties, are not very desirous of continuing to make such selection promotions in Departments ?

The Honourable Sir Bhupendra Nath Mitra : I have no information on that point, Sir.

Mr. K. Ahmed : Will the Honourable Member be pleased to state whether he sends materials to the Public Service Commission for them to arrive at the conclusion that certain officers who are considered fit for promotion have done certain meritorious work in his Department ?

The Honourable Sir Bhupendra Nath Mitra : I am sorry I did not catch the Honourable Member's question.

Mr. K. Ahmed : Is there any way whereby the Honourable Member's Department places sufficient materials before the Public Service Commission sitting here now, to come to the conclusion that a certain officer is fit for promotion as has worked meritoriously in his Department ?

The Honourable Sir Bhupendra Nath Mitra : Complete materials are supplied to the Public Service Commission to enable them to arrive at conclusions in the matter.

Mr K. Ahmed : Does the Honourable Member send in the names of certain officers working under him saying that they are fit for promotions, *because they have done meritorious work in his Department* ; and, with regard to this case brought to notice by Colonel Gidney, will the Honourable Member please state whether certain promotions were made on the recommendation of the Honourable Member ?

The Honourable Sir Bhupendra Nath Mitra : No recommendations were made by me personally. Recommendations were made by the Head of the Department, and all the relevant papers were placed before the Public Service Commission.

REVISED RATES OF PAY FOR CERTAIN INDIAN ARMY DEPARTMENTS.

958. ***Lieut.-Colonel H. A. J. Gidney** : (*a*) Will the Honourable Member kindly inform me whether it is a fact that further revised rates of pay have been sanctioned for certain Indian Army Departments, *e.g.*, the I. A. O C., I. A. S. C., M. E. S., and I. M. L., with effect from the 1st June, 1927 or any other date ?

(*b*) If the answer to this is in the negative, will the Honourable Member please state whether any such proposals have recently been submitted to the Secretary of State for India for sanction ?

(*c*) Will the Honourable Member please state whether the I. M D. is an integral part of the British Army in India, and is, in all respects, a Department similar to all other Departments in the Army ?

(*d*) If the answers to parts (*b*) and (*c*) are in the affirmative will *the Honourable Member please give me details of the proposals and* state his reasons why the I. M. D. were omitted ?

Mr. G. M. Young : (*a*) No.

(*b*) Certain proposals have recently been submitted to the Secretary of State, but I am afraid I cannot give details of these proposals until his sanction is received.

(*c*) I would invite the Honourable Member's attention to the reply given to part (*a*) of his unstarred question No. 130 on the 31st August, 1926. The Indian Medical Department is an integral part of the Indian Army, not of the British Army in India It differs from all other departments of the Army in being directly recruited from the domiciled community in India.

(*d*) My Honourable friend is aware that details of the proposals cannot be disclosed before they have been sanctioned by the Secretary of State. The latter half of this part of the question does not arise.

Lieut.-Colonel H. A. J. Gidney : Arising out of the answer, will the Honourable Member kindly state why, if the Indian Medical Department is a purely Indian service, it is employed purely for European troops ?

Mr. G. M Young : I am not aware, Sir, of having said that the Indian Medical Department was a purely Indian service ; I said it was an integral part of the Indian Army.

Sir Hari Singh Gour . May I ask a supplementary question ? If it is an integral part of the Indian Army, why is it confined to the Domiciled Community, and why are Indians not generally admitted ?

REVISED PENSIONS FOR THE INDIAN MEDICAL DEPARTMENT.

959 ***Lieut.-Colonel H. A. J. Gidney** : (*a*) With reference to my unstarred question No 220, dated 25th March, 1927, will the Government please state when they hope to publish the revised pension rates for the Indian Medical Department ?

(*b*) Is the Honourable Member aware of the great discontent that prevails among the members of the I. M D. because of this delay in putting them into operation ?

(*c*) Will the Honourable Member please state if it is a fact that the revised pension rates of other Departments such as the I. U L , etc , were sanctioned from the 1st October, 1925 ?

(*d*) Will the Honourable Member please state if the revised rates of I. M D pensions have been submitted to the Secretary of State for India with a recommendation that these be given retrospective effect from the date of sanction or 1st April, 1927 ?

(*e*) Has the Honourab[illegible] the Secretary of State for [illegible] the difference of the dates [illegible] and other Departments ?

(*f*) Is the Honourable Member prepared to give this House an assurance that the new pension rates of the I. M. D., whatever they be, will be given earlier or at least with equal retrospective effect as has been given to all other similar Departments ? If not, why not ?

Mr G M Young · (*a*), (*d*) and (*f*). The proposals of the Government of India are being submitted to the Secretary of State. I am afraid I cannot give any information about the correspondence that has taken place, until the final orders of the Secretary of State are received.

(*b*) No, Sir

(*c*) Yes.

(*e*) The answer is in the negative.

GRANTING OF MARRIAGE ALLOWANCE TO MEMBERS OF THE INDIAN MEDICAL DEPARTMENT.

960. ***Lieut.-Colonel H. A. J. Gidney** : Will the Honourable Member be so good as to state whether the Government of India has come to a

decision regarding the granting of marriage allowance to members of the I. M. D. as is being allowed to all other similar Departments ?

Mr. G. M. Young: No final decision has yet been reached, but the Government have under consideration a proposal to grant marriage allowances to warrant officers of the Indian Medical Department when on leave out of India.

Lieut.-Colonel H. A. J. Gidney: Sir, has not this question of granting marriage allowances to the Indian Medical Department been under the consideration of the Government of India for the past three years ?

Mr. G. M. Young: I cannot say offhand how long it has been under consideration.

NUMBER OF ANGLO-INDIANS SELECTED FOR THE I. C S. FROM 1922 TO 1927.

961. ***Lieut.-Colonel H. A. J. Gidney**: (*a*) With reference to the Honourable Member's reply to my supplementary question in connection with question No 492, dated 29th August, 1927, will the Honourable Member please state the number of Anglo-Indians selected for the I. C S. from 1922 to 1927 ?

(*b*) If the reply to (*a*) is "None", will the Honourable Member please state why the claims of a single Anglo-Indian have not been considered fit to correct communal irregularities as is the avowed policy of the Government regarding 25 per cent. of all such appointments ?

The Honourable Mr. J. Crerar: (*a*) None.

(*b*) Government have never undertaken to do more than consider the claims of minority communities generally, and much necessarily depends on the qualifications of the candidates of various communities available. The claims of Anglo-Indians who, though not successful in the competition for open vacancies, qualify sufficiently highly in the examination will receive careful consideration along with the similar cases of members of other minority communities.

ABANDONMENT OF THE GAYA-SHERGHATTY RAILWAY PROJECT.

962. ***Mr. Siddheswar Sinha**: Will Government be pleased to state the circumstances which led them to take up the Gaya-Sherghatty Railway project and the reasons for giving it up ?

Mr. A. A. L. Parsons: The new re-survey of the project was taken up in pursuance of the Government of India's policy of developing the country by means of railways It has been found that there is not sufficient traffic to justify a broad gauge line, but the project will probably be re-examined at some later date as a narrow gauge line.

NUMBER OF EUROPEANS, ANGLO-INDIANS, BIHARIS AND INDIANS OTHER THAN BIHARIS EMPLOYED IN DIFFERENT DEPARTMENTS OF THE GOVERNMENT OF INDIA.

963. ***Mr. Siddheswar Sinha**: Will the Government be pleased to state the number of (*a*) Europeans and Anglo-Indians, (*b*) Biharis, (*c*) Indians other than Biharis, employed in different Departments of the Government of India ?

The Honourable Mr. J. Crerar : The number of Europeans and Anglo-Indians in the different Departments of the Government of India Secretariat on 31st December last was 173. The number of Indians was 781. I have no information as to the number of Biharis included in the latter figure.

PUBLICATION OF AN ARTICLE REGARDING SHIVAJI IN THE *Peshwa*, A DELHI MONTHLY.

964. *Mr. Siddheswar Sinha : (a) Are the Government aware of the great indignation prevailing among the Hindus on account of the wild assertions made by the Delhi monthly *Peshwa* with regard to the great Hindu leader Shivaji Maharaj and his mother ?

(b) Will the Government be pleased to state the reasons why the printer, publisher, and others connected with the aforesaid vilifying article have not been yet prosecuted ?

The Honourable Mr. J. Crerar : Government have received a representation on the subject It is still under consideration.

ALLEGED ASSAULT ON AN INDIAN CLERK OF THE EAST INDIAN RAILWAY.

965 *Mr. Satyendra Chandra Mitra : (a) Has the attention of the Government been drawn to the incident reported in the *Forward* of Calcutta, dated the 6th August, 1927, under the caption " Indian Clerk of E. I. Railway Assaulted " ?

(b) Is it a fact that Ardhendu Babu who was assaulted has been placed under suspension by the higher railway authorities ? If so, why and, by whom, and do Government contemplate asking the authorities concerned to reconsider his case ?

Mr. A A L. Parsons (a) I have seen the paragraph mentioned by the Honourable Member.

(b) The matter is entirely within the competence of the Agent, East Indian Railway, and Government see no reason to interfere with his discretion

EXPENDITURE DURING THE CURRENT YEAR ON THE INDIAN AUXILIARY AND TERRITORIAL FORCES

966. *Mr. Satyendra Chandra Mitra : (a) Will the Honourable Member-in-charge of the Military Department be pleased to state the amount that Government are going to spend on the Auxiliary and Territorial Forces during the current year ?

(b) How much of the said sum will approximately be spent on (1) ammunition for the said Forces, (2) camp expenses, (3) salary of the men, (4) pay of the European instructors ?

Mr. G. M. Young : (a) About Rs. 68,62,000 on the Auxiliary Force and Rs. 22,78,000 on the Territorial Force. These figures do not include any part of the 10 lakh programme which is involved by the acceptance

f the proposals of the Auxiliary and Territorial Forces Committee, and ost of which will be incurred next year.

(*b*) The figures are approximately as follows :

Ammunition—

Auxiliary Force 3 lakhs, 90 thousand.
Territorial Force 92 thousand.

Camp Expenses—

Auxiliary Force 2½ lakhs
Territorial Force 95 thousand

Salaries of Men—

Auxiliary Force 30 lakhs, 44 thousand.
Territorial Force 5 lakhs, 37 thousand.

Pay of European Instructors—

Auxiliary Force 20 lakhs, 29 thousand.
Territorial Force 10 lakhs, 71 thousand

RELEASE OF MOHAMMAD AKBAR KHAN, CONVICTED UNDER SECTION 121 OF THE INDIAN PENAL CODE.

967. ***Mr. Satyendra Chandra Mitra** : (*a*) Will the Government be leased to state if Mr. Mohammad Akbar Khan, an inhabitant of the District f Hazara in the North-West Frontier Province, as reported in the *'anabani*, a Bengali weekly of the 28th of July, 1927, has been convicted under section 121-A of the Indian Penal Code, on the 27th April 923 and sentenced to 7 years' rigorous imprisonment and whether he has een transferred to the District Jail at Raipur in the Central Provinces ?

(*b*) Is it a fact that in view of his excellent conduct in jail, the local ail authorities recommended his release, on the expiry of half the term of is sentence, to the Jail Remission Board ?

(*c*) Is it a fact that the District Magistrate of Hazara, of which he is resident, reported, when referred to by the Jail Remission Board, that here was nothing against Mr. Akbar Khan being released as recommended ?

(*d*) Is it a fact that the recommendation was set at naught on the dverse report of the District Magistrate of Peshawar ?

(*e*) Is it a fact that Mr. Akbar Khan was convicted for conspiracy ith Dr. Nur Mahammad and Ruknuddin and that both of these persons ave long returned to India and that no cases have been brought against ither of them and that the order of suspension of the pension of Risaldar Ruknuddin has been withdrawn ?

(*f*) Under the circumstances, do the Government contemplate releasing Mr. Akbar Khan now ?

The Honourable Mr. J. Crerar : (*a*) I have not seen the publication quoted, but the facts are generally as stated by the Honourable Member.

(*b*) The jail authorities forwarded his nominal roll to the District Magistrate, Hazara, in the ordinary course with a view to putting his

case before the Advisory Board, but made no recommendation in the matter.

(c) The District Magistrate, Hazara, made no recommendation in his favour

(d) The District Magistrate, Peshawar, made no recommendation in the case.

(e) No, but the evidence in the case showed that he had been in correspondence with Ruknuddin and possibly with Dr Nur Muhammad. Neither of these has been prosecuted.

(f) No.

APPLICABILITY OF THE GOVERNMENT SERVANTS' CONDUCT RULES TO THE PRESIDENT, DEPUTY PRESIDENT AND OTHER SALARIED OFFICERS OF THE LEGISLATIVE ASSEMBLY

968. *Mr. E. F Sykes : Are the Honourable the President, the Deputy President and the other salaried officers of the House subject to the Government Servants' Conduct Rules ?

The Honourable Mr. J Crerar : The Honourable the President and the Deputy President are not subject to the Government Servants' Conduct Rules. (Hear, hear) The Secretary and other salaried officers as officers of the Assembly are not subject to the rules but they are so subject if they are also persons in the civil service of the Crown in India to whom the Government Servants' Conduct Rules apply under section 96-B of the Government of India Act

NEW PENSION RULES, ETC.

969. *Mr. D. V. Belvi : (1) Will Government be pleased to state if the consideration of the proposed new rules regarding the grant of pension, provident fund and gratuity under the Fundamental Rules to employees in the subordinate Government service has now been completed by the Government of India and the Secretary of State for India ?

(2) If not, for how many years has the matter been under consideration and when is the consideration expected to be completed finally ?

(3) Has the attention of the Government of India and the Secretary of State for India been drawn to the answers given by the Bombay Government on the subject of the new Pension Rules in reply to interpellations on the 23rd October 1924, on the 2nd March 1925 and on the 28th July 1925 ?

The Honourable Sir Basil Blackett : (1) No

(2) A draft was prepared at the end of 1923, but further consideration was postponed in view of impending changes in the control of the various services Local Governments have now received full authority to make rules prescribing conditions of service, including pension, provident fund and gratuity, for all services and officers under their control, and it is understood that they have such rules under their consideration. It is expected that similar authority will be delegated to the Government of India shortly.

(3) The Government have perused the questions and answers referred to.

Representation of Muslims in the Postal Department, Simla.

970. *Mr. Abdul Haye : (1) Will Government please state separately :

(a) What is the number of sub-postmasters, clerks, postmen, mail peons and runners in the Simla Post Offices and how many of them are Muslims ?

(b) What is the total number of Inspectors in Simla Town and how many of them are Muslims ?

(c) For how long has there been no Muslim Inspector in the Simla Postal Department ?

(2) What action do Government propose to take to give Muslims their due share in the Postal Department of Simla—the seat of Government ?

The Honourable Sir Bhupendra Nath Mitra :

		Muslims.
1. (a) Sub-postmasters	17	*Nil*
Clerks	82	9
Postmen	199	3
Mail-peons	51	5
Runners	28	3

(b) Two Neither is a Muslim

(c) Since 1922 There is one Muslim Sub-Town Inspector since 1919.

2. Government do not propose to take any action in the individual case of Simla, apart from the action which is already being taken in the Indian Postal and Telegraphs Department as a whole to give effect to the general policy of Government in the matter of representation of minority communities in various services which has been explained on the floor of this House on several occasions.

Representation of Muslims in the Office of the Director General of Posts and Telegraphs.

971. *Mr. Abdul Haye : (a) Is it a fact that all posts which fell vacant in the office of the Director-General, Posts and Telegraphs, during 1927, have been given to non-Muslims exclusively, in spite of the fact that an assurance was given by the Director-General in his letter No. A.M.-65|26, dated the 25th September, 1926, to the address of the Anjuman-i-Islamia, Simla, and by the Honourable Sir B. N. Mitra in reply to my unstarred question No. 229 of 26th March, 1927, with regard to the representation of Muslims in the Postal Department ?

(b) Will Government please state how many fresh candidates were employed in the office of the Director-General, Posts and Telegraphs, since January, 1927, and how many of them were Muslims ?

(c) Will Government be pleased to lay on the table a tabular statement showing separately the total number of appointments and the number of

appointments held by Muslims in each scale of pay, in the office of the Director-General, Posts and Telegraphs, as it stood on the 1st August 1927 ?

(*d*) What action do Government propose to take to ensure that the undertakings given by them from time to time with regard to the representation of Muslims in Government service, are strictly acted upon ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No

(*b*) Three, of whom one was a Muslim

(*c*) A statement is laid on the table

(*d*) Government do not propose to take any action as they have no reason to apprehend that their instructions in regard to the representation of minority communities in Government service are not being acted upon in this particular office

Tabular statement showing number of appointments in the office of the Director General of Posts and Telegraphs as it stood on 1st August 1927.

Number of appointments	*Hindus.*	*Christians*	*Muslims.*
2 appointments on Rs 500—700 .	2	.	..
2 appointments on Rs 350—450 .	2		
16 appointments on Rs 250—350 .	14	2	
129 appointments on Rs 80—250 .	120	3	6
2 appointments on Rs 150—200	2		.
58 appointments on Rs 50—140	43	1	14
TOTAL 209	183	6	20

Maulvi Muhammad Yakub : Do not the figures stated by the Honourable Member show that the directions given by the Government of India are not carried out by the Department ?

The Honourable Sir Bhupendra Nath Mitra : The answer is in the negative. I am afraid the Honourable Member was not listening when I replied to the main question. In reply to part (*b*) I said that three fresh candidates were taken, of whom one was a Muslim

REPRESENTATION OF MUSLIMS IN THE CENTRAL PRINTING OFFICE.

972 *__Mr. Abdul Haye__ : (*a*) How many appointments have been newly created in the superior ministerial establishment of the Central Printing Office on account of the recent organisation in April last ?

(*b*) Of the above how many appointments and in what grades have been offered to such Muslims, Hindus and Christians who were not already serving in that office ?

(*c*) Do Government recognise the principle of employing members of the minority communities in their services ? If so, why was this opportunity not availed of to avoid the preponderance of Hindus by recruiting more Muslims who are in a hopeless minority in the said office, as stated by the Honourable Member in reply to my starred question No 905 (*d*), dated 14th March, 1927 ?

The Honourable Sir Bhupendra Nath Mitra :

(*a*)	Superintendents	Two
	Assistants	Five
	Clerks	Eight.
(*d*)	Muslims ..	One Assistant and one clerk.
	Hindu	One clerk.
	Christian ..	One Superintendent and one clerk.

(*c*) The desirability of preventing an undue preponderance of any community is kept in view and as the figures I have just given indicated, only one out of the five new appointments was offered to a Hindu.

Mr. K. Ahmed : In view of the fact that the Honourable Member has in his answer to question No. 971 admitted the fact that he has not in his Department a sufficient number of Muhammadans, do Government propose now, for the benefit of the country and in the interests of the Department, to give effect to the rule of 33 per cent of the appointments being given to the Muhammadans, which was declared by His Excellency the Viceroy in December 1925 ?

REPRESENTATION OF MUSLIMS IN THE OFFICE OF THE CONTROLLER, PRINTING, STATIONERY AND STAMPS.

973. ***Mr Abdul Haye** : In view of the fact that there is no Muslim employed in the office of the Controller, Printing, Stationery and Stamps, as stated by the Honourable Member in reply to my starred question No. 905 (*a*) (*i*), dated 14th March, 1927, are Government prepared to issue instructions to take the earliest opportunity to recruit Muslims when fresh vacancies occur in future ?

The Honourable Sir Bhupendra Nath Mitra : The Controller of Printing, Stationery and Stamps is already aware of the policy of Government in the matter of the appointment of members of minority communities in public offices and will give due consideration to the claims of qualified Muslims along with those of other minority communities as yet unrepresented in his office, if and when an opportunity for fresh recruitment arises.

QUALIFICATIONS, LENGTH OF SERVICE, PAY, ETC., OF EACH MEMBER OF THE CLERICAL ESTABLISHMENT OF THE GOVERNMENT OF INDIA PRESS, DELHI.

974. ***Mr Abdul Haye** : (*a*) Will Government be pleased to lay on the table a statement showing the names, qualifications, length of service, pay and scale of pay of each member of the clerical establishment in the Government of India Press, Delhi, as it stood on the 31st March, 1927 and on the 1st August, 1927 ?

(*b*) Will Government be pleased to state the rules and principles on which the promotion of the staff has been granted in the revision of pay introduced from the 1st of April, 1927 ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The answer is in the negative. The compilation of such a statement would require an amount of clerical labour and expense disproportionate to its value.

(c) Is it a fact that charges are made even for the use of Serai cubicles depriving guardians of poor patients of their right to use the Serai free of charge ?

(d) Is it a fact that this Institution was mainly founded by contributions received from the Indian people with a view to afford facilities for medical aid to Indians of all ranks, especially the poor ?

(e) When were the rules relating to charges made and were any Indians on the Governing Body at that time ?

(f) Do Government intend to see that these rules are once more placed before the Governing Body when the Indian members in their full strength are present to consider them ?

Mr G S. Bajpai With yuur permission, Sir, I propose to reply to Questions Nos. 977 and 978 together The information asked for is being collected and will be supplied to the Honourable Member when received As regards both these questions I should like to point out that the affairs of the Lady Hardinge Medical College, including appointments to the staff, are dealt with by the Governing Body and not by the Government of India.

AUDIT OF THE ACCOUNTS OF THE LADY HARDINGE MEDICAL COLLEGE AND HOSPITAL BY A GOVERNMENT AUDITOR.

979 ***Sir Hari Singh Gour** : (a) Is it a fact that the audit of the accounts of the Lady Hardinge Medical College and Hospital are made only by Chartered Accountants and not by the Government Auditor ?

(b) Is it a fact that the Government contributes about 3 lakhs of rupees towards its annual expenditure, and do Government intend to see that the accounts of the College are audited by a Government Auditor ?

(c) Is it a fact that the Institution prepares and publishes only a quinquennium report ?

(d) If so, are the Government prepared to see that an independent annual report of the Institution is published ?

Mr. G. S. Bajpai · (a) and (b) The Honourable Member is referred to the reply given to Lala Duni Chand's question No. 882 on 19th February, 1926.

(c) A short report is also issued annually as part of the annual report of the Countess of Dufferin's Fund.

(d) Does not arise

TERMS AND TENURE OF APPOINTMENTS OF THE PRINCIPAL AND BURSAR OF THE LADY HARDINGE MEDICAL COLLEGE AND HOSPITAL.

980. ***Sir Hari Singh Gour** : (a) Will the Government be pleased to state what are the terms and tenure of the Principal and Bursar of the Lady Hardinge Medical College and Hospital ?

(b) For how long have the present Principal and Bursar been in charge of their present posts ?

(c) *Is there any rule limiting their tenure to a certain number of years? If not, are Government prepared to consider the advisability of limiting it to a number of years?*

Mr. G. S Bajpai : (a) The Principal is a member of the Women's Medical Service and receives from the College an allowance of Rs. 400 a month for her duties as Principal and a teaching allowance of Rs. 250 a month as Professor of Obstetrics. The Bursar is employed on a contract of 4 years, which is renewable at the discretion of the Governing Body. The pay of the present Bursar is Rs. 700 a month. The tenure of the posts of Principal and Bursar is not fixed.

(b) The Principal and the Bursar have been in charge of their posts from 9th September, 1921 and 7th September, 1918, respectively.

(c) No The matter is primarily the concern of the Governing Body.

EMPLOYMENT OF ITS GRADUATES BY THE LADY HARDINGE MEDICAL COLLEGE.

981. *Sir Hari Singh Gour (a) Will the Government be pleased to state how many lady graduates the Lady Hardinge Medical College has turned out since its institution and what facilities are offered to them for employment in the Institution itself?

(b) Has any scale of pay been fixed for the recruitment of such graduates in the Institution?

(c) If so, will the Government be pleased to place on the table a statement on the subject?

EMPLOYMENT OF GRADUATES OF THE LADY HARDINGE MEDICAL COLLEGE BY COUNTESS OF DUFFERIN'S FUND.

982. *Sir Hari Singh Gour : (a) Is it a fact that no scale of pay for the recruitment of graduates of the Lady Hardinge College has been fixed by the Dufferin Fund for employment in the Institutions maintained by that Fund?

(b) If the answer to part (a) is in the negative, are Government prepared to see that graduates of this College are given facilities for employment by that Fund?

(c) How many applications for admission to the College were refused during the last two or three years and on what grounds?

Mr. G. S. Bajpai : I will reply to questions Nos. 981 and 982 together, Sir. The information asked for is being collected and will be furnished to the Honourable Member when received.

Sir Hari Singh Gour : Will the Honourable Member kindly consider the desirability of placing the information on the table seeing that it affects a large number of people other than the questioner himself?

Mr. G. S. Bajpai : I am not sure whether the House is interested sufficiently in the details of the internal administration of the College. But if it is the wish of the House, I shall certainly consider the suggestion to place the information on the table of the House.

THE COUNTESS OF DUFFERIN'S FUND.

983. *Sir Hari Singh Gour : (a) Will the Government be pleased to state whether it is a fact that the Dufferin Fund was instituted with a view to afford medical aid to the women of India by medical women ?

(b) Is it a fact that for this purpose medical women have since been recruited ?

(c) Is it a fact that Government makes an annual contribution of about Rs. 4 lakhs towards this Fund ?

(d) Will the Government be pleased to state the amount of money invested by this Fund in Government or other securities ? What is its annual income therefrom ?

(e) Is it a fact that the Dufferin Fund does not yet fully meet the requirements of medical aid in the country ?

(f) Are Government prepared to revise their scheme of operations with a view to make this Fund more widely useful and better fulfil the aims and objects for which this Fund was instituted ?

(g) How many European medical women and how many Indian medical women are employed by this Fund ?

Mr. G S. Bajpai : (a) Yes

(b) Yes.

(c) The exact amount of the annual grant is Rs. 3,70,000.

(d) The Honourable Member is referred to the report of the Association for the year 1926, a copy of which has been placed in the Library.

(e) Yes.

(f) As the Honourable Member is aware Medical Administration is a provincial transferred subject and it is for Provincial Governments to consider how the activities of the Association can best be extended.

(g) Of the 44 officers of the Women's Medical Service, maintained by the Countess of Dufferin's Fund, there were 24 Europeans domiciled, and 20 Indians domiciled, on the 31st December, 1926.

EMPLOYMENT OF THE INDIAN GRADUATES OF THE LADY HARDINGE MEDICAL COLLEGE BY THE COUNTESS OF DUFFERIN'S FUND.

984. *Sir Hari Singh Gour : (a) Is it a fact that one of the main objects in instituting the Lady Hardinge College was to provide for the graduation in Medicine of Indian women so that they may be employed by the Dufferin Fund and thus restrict the importation of outside medical women ?

(b) Is it a fact that in instituting the Lady Hardinge College the view of the founders and donors was that Indian women should be qualified so that they may render medical assistance to their own country women by being employed by the Dufferin Fund ?

(c) If the answer, to parts (a) and (b) are in the affirmative, how far have those objects been attained and promoted and what facilities have Government given to Indian graduates of the Lady Hardinge College to employ them in Dufferin Fund Institutions ; and if not why not ?

Mr. G. S. Bajpai : (*a*) and (*b*). The main object of the founders of the College was to provide for the training in medicine of Indian women so that they may render medical assistance to their own country women through, as well as outside, the Women's Medical Service. It was no part of the policy of the founders to prohibit the employment of doctors from outside India except in so far as the supply of trained doctors from the College reduced the need for resort to outside sources.

(*c*) Government have asked for information as to the number of medical graduates turned out by the Lady Hardinge Medical College and the number now employed under the Countess of Dufferin's Fund and Local Governments, and will supply it to the Honourable Member when received. The Government of India do not make appointments to the Women's Medical Service maintained by the Countess of Dufferin's Fund, and cannot, therefore, undertake to provide facilities for the graduates of the College to join that Service.

Sir Hari Singh Gour : Will the Honourable Member kindly lay the information on the table as soon as it is received, instead of supplying it to the Member ?

Mr G S. Bajpai : I shall place the statement in the Library of the House, and I think that will meet the requirements of the Honourable Member.

Sir Hari Singh Gour : No, Sir. What we really want is that the public should know as to how far graduates of this college receive patronage at the hands of the Government.

Mr. G. S. Bajpai : Very well. I shall consider the suggestion. It will all depend on the size of the statement which we have called for.

ENQUIRIES BY THE ROYAL COMMISSION ON AGRICULTURE INTO THE AGRICULTURAL RESOURCES OF AJMER-MERWARA.

985. ***Rai Sahib Harbilas Sarda** : Will Government be pleased to state if the Royal Commission on Agriculture will make any inquiries into the agricultural resources of Ajmer-Merwara in view of the frequency of famines and years of scarcity in that province ? If not, why not ?

Mr. A. R. Dalal : The Commission will enquire into agricultural conditions generally throughout British India including Ajmer-Merwara.

ISSUE OF INSTRUCTIONS TO THE DIRECTOR OF PUBLIC INFORMATION TO FILL FUTURE VACANCIES IN HIS OFFICE BY MUSSALMANS.

986. ***Mr. Siddheswar Sinha** : Will Government be pleased to state if any instructions have been issued to the Director of Public Information asking him to fill up all the future vacancies in his office only by Mussalmans ? If the reply be in the affirmative will Government be pleased to lay the said letter on the table and state their reasons for issuing it ?

The Honourable Mr. J. Crerar : As a temporary measure orders of this nature were issued in September 1925 in view of the fact that there were no Muslims in the office. The orders were superseded in February

1926 by the general orders relating to representation of minority communities, which apply to all offices of the Government of India Secretariat.

MURDER OF SWAMI SHARDHANAND THE RESULT OF AN ORGANISED CONSPIRACY.

987. *Mr Siddheswar Sinha : (a) Is it a fact that police officers investigating the murder case of Swami Shradhanand were supplied with certain documents supporting the allegation that the said murder was the result of an organised conspiracy ?

(b) If the reply be in the affirmative will Government be pleased to state what use was made of the said documents ?

(c) Will the Government be pleased to publish them ?

The Honourable Mr J. Crerar : (a) Certain documents were furnished to the police officers investigating the case.

(b) After careful examination it was found that they afforded no ground for suspecting the existence of an organised conspiracy.

(c) Government do not propose to publish the papers

†988.*

STOPPAGE OF MAIL TRAINS OF THE BENGAL NAGPUR RAILWAY AT SOMPETA IN THE GANJAM DISTRICT.

989 *Mr. V V. Jogiah : Is it a fact that the people of Sompeta in the District of Ganjam in the Presidency of Madras made a representation, supported by the District and Divisional officers of Government, to the Bengal-Nagpur Railway authorities, that in view of the commercial importance of Sompeta and by reason of the location of civil and criminal courts and the Government Sub-Treasury, the mail trains be stopped there for a short time and the railway authorities declined to accede to their representations ? Have any steps been taken in the matter ? If not, why not ?

Mr. A A. L Parsons : Government have received no intimation, except that given in the Honourable Member's question, of any such representation, but have sent a copy of his question to the Agent, Bengal Nagpur Railway. They cannot themselves undertake to interfere in timetable arrangements

EXEMPTION FROM INCOME-TAX OF THE INCOME FROM THE AHMEDABAD MILLS TILAK SWARAJ FUND USED FOR CHARITABLE EDUCATIONAL PURPOSES.

990. *Sir Victor Sassoon : Is it a fact that exemption from income-tax has not been granted under section 4 (3) (ii) of the Income-tax Act in respect of the income from the Ahmedabad Mills Tilak Swaraj Fund which is used for charitable educational purposes ? If so will Government be pleased to enquire and state the reasons ?

The Honourable Sir Basil Blackett : The Government are calling for a report whether the Income-tax Officer has passed an order such as is described and, if so, whether an appeal has been made to the Assistant

† Not put at the meeting, but the question and answer thereto will be found at pages 4232—33 of these proceedings.

Commissioner and disposed of. If and when it is ascertained that the Income-tax Officer has passed such an order and that it has been upheld by the Assistant Commissioner the Government will call for a report as to the reasons for such decision, and communicate the result to the Honourable Member.

Sir Victor Sassoon : Are Government aware that the Income-tax Officer at Ahmedabad, in investigating the claims, insisted on being informed as to what sort of education was being given at the free day and night schools run by the Labour Union, and asked that the subjects taught should be mentioned in detail ? Further, that a list of books prescribed for each school of the free day and night schools was to be forwarded to the Income-tax office ; that subsequently a teacher of the school was asked to be sent to the office .. ..

Mr. President : Order, order. The Honourable Member must not put several questions all at once.

The Honourable Sir Basil Blackett : I can at once say that the answer to all is in the negative. (Laughter.)

Sir Victor Sassoon : Will the Honourable Member take steps to see that inquisitorial methods should not be continued ?

The Honourable Sir Basil Blackett : That is a hypothetical question.

Mr. B. Das : Will the Honourable Member kindly enquire if the allegations in the supplementary question are true ?

The Honourable Sir Basil Blackett : I have undertaken to call for a report.

Mr. B. Das : On the point referred to by Sir Victor Sassoon ?

CHECKING OF ILLICIT TRAVELLING ON THE NORTH WESTERN RAILWAY.

991. ***Mr. Abdul Haye** : (*a*) Is it a fact that various measures are under trial to eradicate the evil of illicit travelling on Indian Railways, and that as a result, on the North-Western Railway the Divisional and Audit Travelling Ticket Examiners were amalgamated in 1926 and put under special Travelling Ticket Examiners, whose posts were specially created for supervision, regulation and control of Travelling Ticket Examiners' activities ?

(*b*) Is it a fact that in view of the higher class of work required of these special Travelling Ticket Examiners, selection was made by an examination held by a Senior European officer of the Indian Finance Department ?

(*c*) Will Government please state if this new measure has proved successful in checking illicit travelling ?

Mr. A. A. L. Parsons : (*a*) and (*b*). The reply is in the affirmative.

(*c*) It is a little too early to say yet.

GRANT OF HONORARY KING'S COMMISSIONS TO SUB-ASSISTANT SURGEONS OF THE INDIAN MEDICAL DEPARTMENT.

992. ***Mr. Abdul Haye** : (*a*) Will Government please state what is the total number of sub-assistant surgeons serving at present in the Indian Medical Department ?

(*b*) Will Government please state how many sub-assistant surgeons of this Department, who are on the effective list, hold honorary King's commissions ?

(*c*) Is it a fact that according to Army Instructions these sub-assistant surgeons are to be awarded honorary King's commissions at the rate of 1 *per cent.* of the total strength of the military cadre ?

(*d*) Is it a fact that vacancies in these commisions are not filled as usual on transfer to the pension establishment but on the death of the previous holder of the commission ?

(*e*) If the answer to part (*d*) be in the affirmative, will Government please state if this method of filling vacancies on death is at present adopted by Government in any Department other than the I. M. D. ?

(*f*) While granting these commissions at the rate of 1 per cent. of the strength of the military cadre, do Government take into consideration only the strength which is on the effective list or does it also include those who have been transferred to the pension establishment ?

(*g*) Have Government ever granted such honorary commissions to a sub-assistant surgeon of the I. M. D. who was on the pension establishment ?

Mr. G. M. Young : (*a*) 891.

(*b*) Four officers on the effective list hold honorary King's Commissions. The balance to make up the required percentage are at present on the retired list.

(*c*) Yes ; the proportion of one *per cent.* is fixed on the total strength of the active list, including sub-assistant surgeons in civil employ.

(*d*) The practice in the past has been as stated by the Honourable Member, but vacancies will in future be caused by retirements and steps are being taken to make 5 promotions against the 5 retired officers who now hold honorary King's commissions.

(*e*) Does not arise.

(*f*) Only the effective strength is now taken into account.

(*g*) When the scheme was first introduced the claims of certain pensioners were considered and a number of pensioners were included in the original awards. Only sub-assistant surgeons on the active list are now eligible

ADEQUATE REPRESENTATION OF MUSLIMS IN DEPARTMENTS AND OFFICES SUBORDINATE TO THE FINANCE DEPARTMENT.

993. ***Mr. Abdul Haye** : (*a*) With reference to the Honourable the Finance Member's reply to my questions Nos. 896—900, 903, 910, and 911 on 14th March, 1927, will Government be pleased to state the date on which the instructions regarding adequate representation of Muslims and other minorities in Government offices (alluded to by the Honourable Sir Charles Innes on the 27th January, 1927 in his reply to Maulvi Mohammad Yaqub's unstarred question No. 3) were issued by the Honourable the Finance Member to the Heads of Departments and officers subordinate to the Finance Department (Civil and Military) ?

(*b*) Do those instructions relate to the fresh recruitments in all grades of services in the offices subordinate to the Finance Department ?

(*c*) Do those instructions govern the cases of (*i*) recruitment in temporary posts and (*ii*) promotion from the lower to the higher grades? If not why?

(*d*) Will Government be pleased to lay on the table a statement showing the total number of appointments made in the permanent and temporary vacancies as well as promotions given from the lower to the upper grades during the period from the date of issue of Government instructions referred to above, to 31st July, 1927, separately in each grade and in each office subordinate to the Finance Department and how many of such vacancies have been filled by Muslims in each grade and in each office by direct recruitment or promotion as the case may be during the period in question?

APPOINTMENT OF MUSLIMS IN THE MILITARY TEST AUDIT DEPARTMENT.

994. *Mr. Abdul Haye: (*a*) Will Government please state the date on which the reorganization of the Military Test Audit Department was sanctioned and the number of officers, accountants and clerks at present employed therein?

(*b*) What is the number of men who were not before in Government service who have been recruited to these appointments?

(*c*) What is the number of Muslims appointed to each of these?

APPOINTMENT OF MUSLIMS IN THE INDIAN ACCOUNTS AND AUDIT SERVICE AND THE SUPERIOR SERVICE OF THE MILITARY ACCOUNTS DEPARTMENT.

995. *Mr. Abdul Haye: (*a*) Is it a fact that several posts in the Indian Accounts and Audit Service and superior service of the Military Accounts Department are filled in annually by selections from the Assistant Accounts Officers, etc.?

(*b*) If the answer to part (*a*) is in the affirmative, will Government state the number of appointments thus made and the number of Muslims thus promoted during the period from the date of introduction initiating the above system of promotion to the 15th August, 1927?

APPOINTMENT OF MUSLIMS AS ASSISTANT ACCOUNTS OFFICERS, ETC.

996. *Mr. Abdul Haye: (*a*) Is it a fact that a certain percentage of vacancies in the appointments of Assistant Accounts Officers and gazetted ranks of the Sub-Accounts Service of the Military Accounts Department is filled in by promotion of qualified officials by selection?

(*b*) If the answer to part (*a*) is in affirmative, will Government be pleased to state the total number of such appointments between the date of introduction of such scheme and the 31st July, 1927, and the number of Muslims appointed to these posts?

PAUCITY OF MUSLIMS IN THE SUPERVISING STAFF OF THE SUBORDINATE ACCOUNTS SERVICE AND IN GAZETTED APPOINTMENTS.

997. *Mr. Abdul Haye: Are Government aware of the fact that great discontent and disappointment is prevailing among the Muslim employees in the offices subordinate to the Finance Department on

account of the treatment meted out to them in the matter of promotions owing to the paucity of Muslims in the supervising staff, S. A. S., and gazetted appointments ?

APPOINTMENT OF MUSLIMS TO NEW POSTS IN THE SUBORDINATE ACCOUNTS AND CLERICAL SERVICES IN THE OFFICES OF THE AUDITOR GENERAL AND THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

998. ***Mr. Abdul Haye** : (*a*) Is it a fact that a number of new posts in the Sub-Accounts and clerical services has been sanctioned by Government for the offices of the Auditor General and the Accountant General, Central Revenues ?

(*b*) If the answer to part (*a*) is in the affirmative, will Government be pleased to state whether the claims of the Muslim community will be duly considered in filling up those posts in the light of the Government instructions alluded to by the Honourable Sir Charles Innes in his reply to Maulvi Muhammad Yakub's unstarred question No. 3 on the 27th January, 1927 ?

The Honourable Sir Basil Blackett : I propose to reply to questions Nos 993 to 998 together I would refer the Honourable Member to the reply given on the 24th of last month to Mr. Anwar-ul-Azim's question No 244 General instructions regarding the measures to be adopted for securing adequate representation of minority communities in Government offices were issued in February 1926 and these were immediately communicated by the Finance Department to the heads of departments and offices under it The instructions were intended to be applied to all future recruitment, but not to departmental promotions, which must always be regulated by considerations of seniority and merit No useful purpose would, therefore, be served by collecting the detailed information asked for by the Honourable Member regarding the appointments made by promotion With regard to appointments made by direct recruitment, considerable trouble would be involved in collecting particulars and these cannot afford useful information until the instructions have been in force for some time longer

Maulvi Muhammad Yakub : Have the Government ever enquired what effect was given to the instructions issued, or collected any statistics to show what action has been taken on the instructions issued by them ?

The Honourable Sir Basil Blackett : That is a general question which I think should be addressed to my Honourable colleague the Home Member and probably put down , but I can say that the Members of Government are constantly watching the effect of those instructions on the offices in their particular charge.

Mr. K. Ahmed : Do I understand the Honourable the Finance Member to say that he has issued a circular to his Departments bringing to their notice that 33 per cent. of Muhammadans should be appointed according to the declaration made by His Excellency the Viceroy in December 1925, or does he mean only the instructions given to some of his head officers to act upon what he said in his instructions on the 2nd February 1926, as he has stated himself ? Which is correct, the former or the latter or both ?

The Honourable Sir Basil Blackett : I gather, the Honourable Member's question is, does he understand something? I am afraid I cannot answer him.

ADEQUATE REPRESENTATION OF MUSLIMS IN THE INDIAN STORES DEPARTMENT.

999 ***Mr. Abdul Haye** : With reference to reply given on the 14th March, 1927, by Government to my starred question No. 907, will Government be pleased to state whether any steps have since been taken by Government to make adequate representation of Muslims in the Indian Stores Department? If not, why?

The Honourable Sir Bhupendra Nath Mitra : The claims of minority communities are always prominently kept in view in making selections for gazetted appointments in the Indian Stores Department.

Since the Honourable Member's question No. 907 was answered in March last three outsiders have been selected in India for appointment to gazetted posts in the Indian Stores Department. One of these three is a Muslim who was declared by the Public Service Commission to be qualified for the appointment offered to him.

REVISION OF THE POSTAL AND TELEGRAPH CODES.

1000. ***Mr. Abdul Haye** . (*a*) With reference to Government reply on the 14th March, 1927, to my starred question No. 902, regarding the revision of the Postal and Telegraph Codes, will Government be pleased to furnish the information asked for in sub-clauses (*d*), (*e*), (*f*), (*i*) and (*j*) of the question No. 902 separately for the work entrusted to the staff under Mr. S. P. Verma, and Messrs. P. N. Mitra and B. B. Bhattacharjee, reviewing the situation as it stood on the 28th February, 1927, and on 31st July, 1927, respectively?

(*b*) Are the three officials named above solely employed for the Code Work or are they required to do some other work as well?

(*c*) Have Mr. S P. Verma and the staff under him previous experience of the executive or audit side of the Posts and Telegraph Department?

(*d*) What will be the probable cost of compilation of the Codes and by what date is the work to be completed?

(*e*) Has any such costly Code ever been compiled by the Government?

The Honourable Sir Bhupendra Nath Mitra : The information is being collected and will be supplied to the Honourable Member in due course.

SAFEGUARDING OF THE INTERESTS OF MUSLIMS IN THE CENTRAL OFFICE OF THE NORTH-WESTERN RAILWAY.

1001. ***Mr. Abdul Haye** : 1. (*a*) Will Government kindly lay on the table a statement showing the number of Hindu, Muslim and Christian clerks in the Copying, Personnel, Operating, Way and Works, Commercial, Rates and Outstanding Branches of the Headquarters office of North Western Railway?

(b) What action, if any, do Government propose to take to safeguard the Muslim interests in the Central Office of the North Western Railway ?

2. (a) Is it a fact that the number of Muslim clerks in the Personnel Branch of the Headquarters Office is on the decrease ever since the amalgamation ?

(b) What was the number of Muslims in this Branch before amalgamation and what is it now ?

(c) Is it a fact that not a single Muslim has been recruited in this Branch since January, 1925, whereas almost every vacancy, temporary or permanent, has been filled up by Hindus ?

(d) Will Government please state the number of Hindu clerks recruited since January, 1925 ?

(e) Is it a fact that two clerks coming from Multan side, who are still temporary in class II, have been given officiating chances in class III thereby depriving a confirmed senior Muslim clerk in class II ?

Mr A A L Parsons : I propose, with your permission, Sir, to answer questions Nos. 1001, 1003, 1006 and 1009 together. The information in the possession of Government with regard to communal representation on the North Western Railway will be found in Appendix F in Volume I and Appendix C in Volume II of the Report on Indian Railways for 1925-26, a copy of which is in the Library. The statistics were formulated in this form after consultation with, and acceptance by, the Central Advisory Council for Railways, and Government do not consider it desirable to supplement them by details regarding individual offices. The policy of the Government of India regarding the representation of minority communities was communicated to the North Western Railway Administration as to other Railway Administrations, and Government have no reason to believe that it is not being carried out by them.

Maulvi Muhammad Yakub : A supplementary question, Sir. Have the Government any reason to believe that these directions have been complied with ?

Mr. A. A L. Parsons : They have no reason to believe that they have not been complied with

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Mr. Amar Nath Dutt : On a point of order, Sir. Before questions Nos 1002 (a) and 1012 (d) are put, I would like to have a ruling from the Chair whether they are matters of public concern as described in Rule 14 (1) ?

Mr. President : If they did not relate to matters of public concern, they would not have been admitted.

SUPERSESSION OF MUSLIM BY HINDU CLERKS IN THE HEADQUARTERS OFFICE OF THE NORTH WESTERN RAILWAY.

002. ***Mr. Abdul Haye** : (a) Is it a fact that Uma Chand is closely related to the Superintendent in charge of Establishments at the Headquarters Office of the North Western Railway, and that he has been given class IV superseding many Muslims senior to him ?

(*b*) Is it a fact that all the clerks employed with the Retrenching Officer are Hindus and one of them has been given class IV in preference to a senior better qualified Muslim clerk ?

(*c*) Is it a fact that not a single Muslim clerk in the Personnel Branch of Headquarters' Office is in class IV, the only Muslim in that class having been transferred and replaced by a Hindu clerk on the same pay ?

(*d*) Will Government please state the number of Hindu and Muslim clerks in all branches of the Headquarters Office, as it stood at the time of amalgamation, and as it stands at present ?

Mr. A. A. L. Parsons : Government have no information.

RECRUITMENT OF MINORITY COMMUNITIES IN THE CLERICAL ESTABLISHMENT OF THE HEADQUARTERS OFFICE OF THE NORTH WESTERN RAILWAY.

†1003. ***Mr. Abdul Haye** : Are Government prepared to consider the advisability of asking those responsible for the recruitment of the staff in the clerical establishment of the Headquarters Office of the North-Western Railway to abide by the instructions contained in the Government of India, Home Department Memorandum No. F.-176|25-Ests, dated 5th February, 1926, regarding the recruitment of minority communities ?

SELECTION OF A HINDU FOR THE POST OF JUNIOR INSTRUCTOR AT LYALLPUR, THE NORTH WESTERN RAILWAY.

1004. ***Mr. Abdul Haye** : (*a*) Is it a fact that a competitive examination of booking clerks from all North Western Railway Divisions was held in the beginning of July last to select candidates for the Junior Instructor's post at Lyallpur ?

(*b*) Is it a fact that a Muslim who stood first in that test was not appointed to the post because he was drawing Rs. 60 *per mensem* and that it was not considered desirable to give him Rs. 150 *per mensem* ?

(*c*) Will Government please state the original pay at the time of selection of the Hindu candidate selected for the appointment in Lyallpur School ?

Mr. A. A. L. Parsons : Enquiry is being made and I will let the Honourable Member know the result.

PROMOTION OF A MADRASI CLERK OF THE OFFICE OF THE CHIEF AUDITOR, NORTH WESTERN RAILWAY.

1005. ***Mr. Abdul Haye** : Is it a fact that a Madrasi clerk of the Chief Auditor's office drawing Rs. 68 *per mensem* with only a year's service has been given Rs. 140 in the Agent's Office of the North Western Railway ? If so, will Government state the reason ?

Mr. A. A. L. Parsons : Government have no information. The matter is entirely at the discretion of the Agent and there is no reason to believe that in filling up the appointment he did not satisfy himself that the nominee was fully qualified for the duties.

Sir Hari Singh Gour : Sir, will you permit me to put my question No. 988 ?

† For answer to this question see answer to question No. 1001.

Mr. President : The Honourable Member just disappeared, when the question was about to be called I cannot permit him to put it now.

Sir Hari Singh Gour : I was going to look up a reference necessary for that purpose.

Mr. President : Order, order.

HINDU AND MUSLIM CLERKS IN THE PERSONNEL BRANCHES OF DIVISIONAL OFFICERS ON THE NORTH-WESTERN RAILWAY.

†1006. ***Mr. Abdul Haye** · Will Government please state separately the number of Hindu and Muslim clerks together with their pay and period of service in the Personnel Branches of Divisional Officers on the North Western Railway ?

EMPLOYMENT OF AN OUTSIDER AS SUPERINTENDENT, COMMERCIAL BRANCH OF THE HEADQUARTERS OFFICE OF THE NORTH WESTERN RAILWAY.

1007. ***Mr. Abdul Haye** (*a*) Is it a fact that the post of the Superintendent, Commercial Branch of the Headquarters Office of the North Western Railway, which is about to fall vacant is to be filled by an outsider ?

(*b*) If the answer to part (*a*) is in the affirmative, will the Government please state what are the educational qualifications of this outsider to fill the vacancy, and what is his previous experience in the Commercial Branch ?

(*c*) Was due consideration given to the claims of the deserving senior Muslim clerks ?

Mr. A A L. Parsons : Government have no information, and are not prepared to interfere with the discretion of the Agent in the matter.

MUSLIM TRAFFIC INSPECTORS AND JUNIOR ASSISTANT OFFICERS ON THE NORTH WESTERN RAILWAY.

1008. ***Mr. Abdul Haye** (*a*) Is it a fact that there is not a single Muslim Traffic Inspector on the whole North Western Railway whereas there are many Hindu Traffic Inspectors ?

(*b*) Is it a fact that three posts of Junior Assistant Officers on the North Western Railway have been recently given to Hindus and none to Muslims ?

(*c*) Are Government prepared to enlist successful Muslims for similar appointments until communal inequalities are removed ?

Mr. A. A. L. Parsons : I am making enquiries and will communicate with the Honourable Member.

MUSLIM AND HINDU CLERKS IN THE OFFICE OF THE EXECUTIVE OFFICER, PERMANENT WAY BRANCH, NORTH WESTERN RAILWAY.

†1009. ***Mr. Abdul Haye** : (*a*) Will Government please state the present number of Muslim and Hindu clerks in the office of the Executive Engineer, Permanent Way Branch, North-Western Railway, Lahore ?

† For answer to this question see answer to question No. 1001.

(b) Is it a fact that the five new vacancies in this office were filled up by Hindus only and not a single Muslim was taken ?

EDUCATIONAL QUALIFICATIONS OF B. BAHADUR SINGH AND OTHER SPECIAL TRAVELLING TICKET EXAMINERS OF THE NORTH WESTERN RAILWAY.

1010. *Mr Abdul Haye (a) Will Government please state the educational qualifications of B Bahadur Singh and other Special T. T. Es of the North-Western Railway ?

(b) Is it a fact that B Bahadur Singh was selected Special T. T. E. when he was getting Rs. 150 *per mensem* ?

(c) What was his relative position as regards seniority at the time ?

Mr. A. A. L Parsons : (a) Government understand that one is a graduate and two have passed the Matriculation Examination, the gentleman mentioned not being one of them.

(b) Yes

(c) He was selected in preference to seven seniors.

HINDU AND MUSLIM CLERKS IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

1011. *Mr. Abdul Haye . 1 Will Government please state the number of Hindu and Muslim clerks with their respective educational qualifications, period of service, if any, and pay they draw, who have been recruited to the Railway Clearing Accounts Office, by :

(a) transfer from the Chief Auditor's Office ; and

(b) fresh appointment ?

2. Will Government please state the number of Hindu and Muslim clerks who have been taken in the upper grade in the Railway Clearing Accounts Office ?

3. How many Hindus and how many Muslims have been taken as accountants without passing the examination ?

Mr. A. A. L. Parsons : The compilation of the information for which the Honourable Member asks would involve a great deal of trouble which Government are not prepared to impose on the authorities concerned.

STARTING SALARIES FOR GRADUATES AND MATRICULATES IN THE CLERICAL ESTABLISHMENT OF THE OFFICE OF THE NORTH WESTERN RAILWAY AT LAHORE.

1012. *Mr. Abul Haye : (a) Will Government be pleased to state what are the starting salaries for graduates and matriculates in the clerical establishment of the North Western Railway offices at Lahore ?

(b) Is it a fact that Prem Chand, B.A., who was appointed on Rs. 80, is now drawing Rs. 130 *per mensem* with less than a year's service ?

(*c*) Is it a fact that one Jagdish Lal, who is only a matriculate, was appointed on Rs. 80 direct ?

(*d*) Is it a fact that Kanshi Ram, who is an F. A., was appointed direct on Rs. 100 and is now getting Rs. 150 although he has not a year's service at his credit ?

Mr. A. A. L. Parsons : (*a*) I am not aware whether there is any special rule or practice laying down starting salaries for graduates and matriculates in the clerical establishment of the North Western Railway offices at Lahore, but I am making enquiries and will let the Honourable Member know the result.

(*b*), (*c*) and (*d*). The matter is entirely at the discretion of the Agent and Government are not prepared to interfere with that discretion

INADEQUATE REPRESENTATION OF MUSLIMS IN THE OFFICE OF THE CHIEF AUDITOR OF THE NORTH WESTERN RAILWAY.

1013. *Mr. **Abdul Haye** : (*a*) Is it a fact that of the 16 senior accountants in the grade of Rs. 270—20—450 in the Chief Auditor's Office of the North Western Railway at Lahore, no one is a Muslim ?

(*b*) Is it a fact that there are only two Muslim junior accountants as compared with 20 Hindus ?

(*c*) Is it a fact that there are three Muslim accountants in lieu of clerks as compared with 18 Hindus (in the grade 80—10—250—20—270) ?

(*d*) Is it a fact that there is one Muslim I.C.G. in grade I as compared with 4 Hindus and 8 Muslim I. C. G 's in grade II as compared with 27 Hindus ?

(*e*) Is it a fact that there are three Muslim stock verifiers as compared with 12 Hindus ?

(*f*) If the above facts are correct, do Government intend to redress the grievances of the Muslims as regards inadequate representation ?

The Honourable Sir Basil Blackett : I would refer the Honourable Member to the last sentence of the reply just given to his questions Nos 993 to 998.

Mr. K. Ahmed : The Honourable Member says he has answered this question in his answer to questions Nos. 993 to 998. But if Members of the Assembly are not satisfied with the action taken by the Agent of the Railway do Government propose, for the benefit of the country.....

The Honourable Sir Basil Blackett : I suggest that it would be for the benefit of the country if the Honourable Member understands what is said before he puts questions I was not talking about Agents of Railways but about the Auditor's Office at Lahore—a different matter.

REMOVAL OF STATE PRISONERS AND DETENUS IN BURMA TO THE MARY'S SCHOOL BUILDINGS AT MANDALAY.

1014. *Mr. **S. C. Mitra** : (*a*) Is it a fact that the Government of Burma on the suggestions of the Superintendent of Jail, Deputy Commissioner of Mandalay and of official and non-official visitors recommended to

the Government of India that State prisoners and detenus confined in different Jails in Burma should be removed and lodged together in Mary's School buildings at Mandalay which have been purchased by the Burma Government ?

(*b*) Is it a fact that the Government of India also approved of the scheme subject to a Bengal Government official visiting and approving the site ?

(*c*) Is it a fact that Mr Lowman was sent to Mandalay to see the site and then reported that it was not desirable to keep all the State prisoners and detenus together ?

(*d*) If the answers to the previous questions are in the affirmative and if on the above suggestion of Mr. Lowman this scheme was abandoned, will Government please explain why Mr. Lowman was sent at all to Mandalay at a considerable expense ?

(*e*) Is there any truth in the allegation that Mr Lowman disapproved of the scheme only because of the altercations he had with the State prisoners in the Mandalay Jail ?

The Honourable Mr. J. Crerar : (*a*) A proposal on these lines was submitted by the Government of Burma.

(*b*) The Government of India approved the proposal in the first instance, but subsequently modified their views.

(*c*) Mr. Lowman visited Mandalay, but the Government of India are not aware of the nature of his report. The decision referred to above was taken on general grounds.

(*d*) Does not arise.

(*e*) The Government of India are not aware whether Mr. Lowman reported in favour of or against the scheme.

SHORT NOTICE QUESTIONS AND ANSWERS.

Mr. Jamnadas M. Mehta : Sir, with your permission I will ask a short notice question of which I have given notice.

Sir Hari Singh Gour : Before Mr. Mehta asks his short notice question, may I, Sir, be permitted to put my question No. 938 ?

Mr. President : The Honourable Member knows that his question was on and he at once disappeared when it was about to be called. It is not right that the Honourable Member should get up now and again and ask that he should be allowed to put that question. He should at least have asked the Chair before we was leaving. Mr. Jamnadas Mehta

CONSTRUCTION OF THE VASAD-BORSAD-KATANA RAILWAY.

Mr. Jamnadas M. Mehta : (*a*) Will Government be pleased to say whether the construction of the Vasad-Borsad-Katana Railway has been started ; if not, when do Government propose to start it ?

(b) Do Government realise that thousands of people in Gujarat have become homeless and have been otherwise ruined by recent floods ?

(c) Are Government prepared to expedite the starting of the construction work of the Vasad-Borsad-Katana and other railways in Gujarat with a view to give relief to the stricken people ?

Mr A. A. L. Parsons : Owing to negotiations with the Baroda Durbar, from whom a final reply was only received on the 29th August, sanction has not yet been given to the construction of the Vasad-Borsad-Katana Railway, and the agreement of the Bombay, Baroda and Central India Railway Company has still to be obtained on one outstanding point. The Railway Board are, for the reasons mentioned by the Honourable Member, most anxious to start the construction of this line at the earliest possible date, and they have asked the Agent of the Bombay, Baroda and Central India Railway to communicate the agreement of his Company on this point by telegram as quickly as he can. They propose then to instruct him to commence the construction forthwith.

The Railway Board will examine whether there are any other projects in the afflicted area which can be taken up immediately, if necessary, by advancing their place in their construction programme

POSTPONEMENT OF THE DISCHARGE OF WORKMEN FROM THE KHARAGPUR WORKSHOPS UNTIL AFTER THE PUJA HOLIDAYS

Diwan Chaman Lall : In view of the possibility that men discharged from the Kharagpur workshops may find it difficult to set about getting work during the Puja holidays, are Government prepared to ask the Agent of the Bengal Nagpur Railway to postpone such discharges until the holidays are over ?

Mr. A. A. L. Parsons : I should first explain that the date chosen for the discharge of men from the Kharagpur Workshops was originally selected in the interests of the men, many of whom might be expected in the ordinary course to go to their homes during the Pujas But the Railway Board recognise that the holidays may add to the difficulty of discharged men in finding new work immediately, and as soon as this possibility was mentioned to me by Mr. Acharya, we wrote to the Agent of the Bengal Nagpur Railway, asking him if he could arrange to give the men who are being got rid of their pay up to the end of the Pujas in addition to whatever other benefits they might be receiving. We also told him that, unless there were serious practical difficulties, we should like him to do so and that we were prepared to sanction any departure from the rules which this might occasion. We have since learnt that he has agreed. This course, I think, will be more advantageous to the men than postponing their discharge, since while getting pay up to the end of the Pujas they will be able to use the Puja holidays in search of work.

12 NOON.

With your permission, Sir, I should like to supplement this reply by apprising Honourable Members of the latest information which I have received of the position at Kharagpur. It is contained in a telegram which the Railway Board received yesterday from the Agent of the Bengal Nagpur Railway—the telegram being dated the 11th September. The telegram runs as follows :

"Last two days Kharagpur shop men have turned out but have done no work adopting a policy of passive resistance. On the other hand there have been isolated cases of intimidation and [illegible] Union mass meeting yesterday [illegible] licy of passive resistance, that [illegible] opinion of District Magistrate [illegible] of the Railway) feeling of te[illegible] ould be closed as, if men remain idle and tension grows, serious disturbances in shops will take place resulting in probable serious damage to property. If shops remain open and serious disturbances occur inside, which District Magistrate thinks probable, he cannot guarantee protection of person or property He considers that if shops close he will be better able to control probable outbreaks. Have discussed matter fully with the District Magistrate and Cole and I agree that closing of shops is the lesser evil as likely to lead to less trouble and in view of situation now arisen have decided to close shops till situation clears."

The date on which the shops were closed is not mentioned in this telegram; but I understand from another telegram received by the Railway Board from an official of the Labour Union, that they were closed on the 12th September:

"On September 16th arrangements are being made to pay men their August wages, settlement of all men on reduction commencing the following day All men down for discharge will be paid up to the end of the Puja holidays, *viz*, 11th October—*vide* my letter of yesterday's date I am intimating that shops will be opened as soon as the men's leaders will give assurances that men are willing to work."

Diwan Chaman Lall: May I ask what were the reasons which led these workers to go into the workshops and adopt passive resistance?

Mr. A. A. L. Parsons: I understand they were advised to do so by their Labour Union.

Diwan Chaman Lall: What were the grievances behind this action taken by the workmen?

Mr. A. A. L Parsons: I am aware of no grievances except the general grievance that a reduction in the staff is being carried out.

Diwan Chaman Lall: May I ask whether any damage was done to property in the workshops by any of these men who were not willing to work there?

Mr. A. A. L. Parsons: I do not think we have received information of any damage in the workshops As I mentioned there have been one or two cases of intimidation of which we have had notice.

QUESTIONS NOT ASKED AT THE MEETING, OWING TO THE ABSENCE OF THE QUESTIONERS, AND ANSWERS TO THE SAME.

PURCHASE OF PAINTS, VARNISHES AND ENAMELS OF EUROPEAN MANUFACTURE BY THE NORTH WESTERN RAILWAY.

938. *Mr. N. C. Chunder: (*a*) Will Government be pleased to state whether a notice was advertised by the Controller of Stores, North Western Railway in the *Statesman* (of Calcutta) of the 23rd August, 1927, inviting sealed tenders for the supply amongst other things of paints, varnishes and enamels of European manufacture?

(b) Will Government be pleased to explain whether European manufacture means or includes articles manufactured in India by European firms or companies ?

(c) Will Government be pleased to state whether :

(a) Paints
(b) Varnishes } of indigenous origin
(c) Enamels

are available ? If so, why have no tenders been invited therefor ?

(d) Are the tenderers bound to despatch samples to the office of the said Controller if so required to do ?

(e) Has the said Controller ever called for and examined samples of paints, varnishes and enamels of indigenous origin ? If so, with what result, if not, why not ?

(f) Are quotations being obtained from England for paints and varnishes ?

(g) Will Government state why quotations are not being obtained from England for enamels ?

Mr. A. A. L. Parsons : (a) Yes

(b) No

(c) Paints, varnishes and enamels of indigenous origin are available. Tenders, however, were not invited for these as the North Western Railway obtain their supplies of indigenous paints and varnishes through the Indian Stores Department

(d) Yes, one of the terms of the call for tenders was that samples if required must be despatched to the office of the Controller of Stores, Moghalpura

(e) Yes Trials have been made with such material and as a result practically all paints and some of the varnishes are of indigenous origin. An indigenous enamel has not so far been tried which has been found suitable for the requirements of the Railway.

(f) Yes

(g) Quotations are being obtained from England for enamels.

AMOUNT OF HONORARIUM TO BE PAID TO THE ARCHITECT OF INDIA HOUSE IN LONDON.

988. ***Sir Hari Singh Gour :** (a) Will the Government be pleased to state the honorarium agreed to be paid to the architect of India House in London ?

(b) If it be a percentage on cost what will it amount to on the estimated cost ?

(c) Did Government call for designs for the building by a public advertisement ? If so, in what papers, English and Indian, were the advertisements published ? If not, why not ?

(d) What steps have the Government taken to see that India House is an example of the best type of Indian architecture ?

The Honourable Sir George Rainy: (*a*) and (*b*). The fee of the architect is fixed by the Royal Institute of British Architect as a percentage on the cost of the building, and the Institute's rules do not permit an architect to undertake work for less than the authorised fee. The percentage is ordinarily 6 per cent., and this would amount to about £16,500 on the estimated cost of India House.

(*c*) No. The design was prepared by Sir Herbert Baker, who was selected as the architect for the building. The Government of India do not consider that anything would have been gained by the procedure suggested

(*d*) I would refer the Honourable Member to the reply given by me to a similar question by Mr. Neogy on the 1st September.

UNSTARRED QUESTIONS AND ANSWERS

DELAY BY RAILWAYS IN THE DISPOSAL OF APPLICATIONS FOR SIDINGS BY COLLIERIES.

105. **Mr. K. C. Neogy:** (*a*) Has the attention of Government been drawn to the recommendation recorded by the Indian Coal Committee in paragraph 71 of their Report that undue time should not be taken by the Railway Administration in disposing of applications for sidings by collieries on Assisted Siding Terms, and in the eventual construction thereof after they are sanctioned?

(*b*) Are Government aware that even this recommendation of the Indian Coal Committee is not being worked up to at present—that unusual time elapses (*i*) between the first application for siding and the decision thereon, (*ii*) between the decision and the preparation of plans and estimate, (*iii*) between the deposit of money for sub-grade work and final construction of siding and (*iv*) between the construction and the refund of unspent balance of the money deposited by the applicants?

(*c*) Are Government aware that, in the case of the Dobary No. 3 Siding on the East Indian Railway, application was made in June 1921, was sanctioned on 5th March, 1923, and the plan and estimate were submitted on 11th March, 1924, *i.e.*, after one year, and the cost of sub-grade work having been deposited in June 1924, the siding was actually opened for traffic in January, 1927 and the refund of the unspent amount of the deposit is still outstanding without earning any interest meanwhile, in spite of repeated reminders by the party?

(*d*) Is it a fact that in 1921, the Indian Mining Federation initiated a proposal which was supported in the minute of dissent of the Indian Coal Committee, *that a special machinery should be set up to consider* all applications for siding from the collieries in the Bengal and Bihar coalfields? Should the reply to the questions (*b*) and (*c*) above be generally in the affirmative, are Government prepared to accept such a proposal for setting up a special machinery? If not, do they propose to enforce on the railways concerned the observance of a time chart indicating the maximum permissible interval between the different stages during the pendency of an application for siding till its final completion?

Mr. A. A. L. Parsons : (*a*) The answer is in the affirmative.

(*b*) Government are aware that in some cases delay has occurred in the provision of sidings In the first place, compliance with an application must sometimes be withheld until the Railway Administration is satisfied that the colliery's business has grown or will grow sufficiently large to justify the outlay by the Railway on a siding. Secondly, after a decision to build the siding is arrived at, time is often lost in reconciling the conflicting interests of various parties. Thirdly, after the money for the sub-grade work has been deposited, delay may occur in the acquisition of the land. Government have received no complaint that delay occurs after construction in refunding the unspent balance of money deposited by applicants

(*c*) In the case of Dobary No 3 siding the Railway Administration Reports that the siding was opened in September 1926, not January 1927, as stated by the Honourable Member. Government have received no representation that the balance of the deposit has not been refunded but are enquiring.

(*d*) Government are aware of the proposal made by the Indian Mining Federation in 1921, but cannot find any reference to it in the minute of dissent in the Indian Coal Committee's Report. Government are not prepared to adopt the proposal of the Indian Mining Federation. When delay occurs in the provision of a siding, the causes are often not under the control of the Administration. For this reason the enforcement of a time table as proposed by the Honourable Member is not considered practicable

RENT FOR COAL DEPÔTS IN ALL THE CALCUTTA STATIONS, ETC.

106 **Mr. K. C. Neogy** : (*a*) Is it a fact that rent for coal depôts are not identical in all Calcutta stations (Sealdah, Howrah, Howrah-Punjab line and Uitadingi) nor are the non-mechanical facilities the same in these stations ? If so, do Government propose to set up a permanent machinery to equalise facilities and rents among these stations with a view to fostering the trade in soft coke in the Calcutta city and suburbs ?

(*b*) Is it a fact that the pilferage from coal and coke wagons arriving in Sealdah is markedly higher than that with regard to the same traffic arriving in other Calcutta stations ?

(*c*) Is it a fact that at Sealdah the contents of coal wagons booked to non-depôt holders are allowed to remain on the railway yard without any wharfage being charged, to the greatest injury of the registered depôt holders who have to pay heavy rent for depôt spaces.

(*d*) Is it a fact that non-depôt holders at Sealdah are allowed to take deliveries of coal from wagons booked to them under " To Pay " system, without paying the railway freight, and is it a fact that the Eastern Bengal Railway authorities could not realise a large amount of freight owing to the latitude permitted in delivery referred to above , if so, will Government be pleased to state the total amount that could not be realised and the amount of such outstanding as at the 15th of August, 1927 ?

(*e*) Is it a fact that the wagons booked to registered depôt holders at Sealdah are in many cases not placed alongside their respective depôts

but are placed sometimes a long way off the depôts ? If so, are Government prepared to ask the Eastern Bengal Railway authorities to adopt the method prevailing on the East Indian Railway system at Howrah and other Calcutta stations that wagons booked to a registered depôt are placed alongside the respective depôts and are not considered as " placed wagons " until they are so done ?

(*f*) Is it a fact that when wagons are placed at Sealdah coal yard no signature is obtained by the railway staff of the consignees as well as of the depôt holders noting the time of placing of such wagons ? If so, are Government prepared to enforce the practice that such signature shall be invariably taken at Sealdah at the time of placing of wagons ?

Mr. A. A. L Parsons : The information has been called for and will be furnished to the Honourable Member on receipt

EMPLOYMENT OF GOVERNMENT SERVANTS BY THE ROYAL TURF CLUB, CALCUTTA.

107. **Mr. A. H Ghuznavi** : (*a*) Will the Government be pleased to state how many employees of the Cal [illegible] and of other Government offices in [illegible] Races Totalizator or in any other bra[illegible] and are receiving remuneration for such services from the said Turf Club ?

(*b*) Will Government be pleased to call for a list from the Royal Calcutta Turf Club of Government servants employed by the said Club in connection with the races and other duties who receive remuneration for services rendered ?

(*c*) Are Government employees permitted to accept such services ?

(*d*) Are the Government aware that instances have occurred that Appraisers of the Calcutta Custom Office, employed in race work, have left their duties as early as 12 Noon on race days (especially in the winter season when races start early) neglecting their duties inasmuch as they locked up in their drawers for days and days the customs import passes for appraisement with the regrettable consequence that the goods relating thereto incurred heavy demurrage to the great loss of the importers ? If not, are the Government prepared to enquire into the matter and inform the House of the result of their enquiry ?

(*e*) Do the Government propose to take steps to prohibit Government servants from accepting services elsewhere to the detriment of the public interest ?

The Honourable Mr. J. Crerar : The information asked for is being collected and will be supplied to the Honourable Member in due course.

DISMISSAL OF RAILWAY EMPLOYEES.

108. **Mr. M. Ruthnaswamy** : 1. Will the Honourable the Commerce Member be pleased to state, if it is a fact :

(*a*) that railway companies reserve to themselves in their agreements with their employees a power to dismiss them on one month's notice " for any reason " whatsoever ;

(*b*) that such dismissals have been held to be wrongful by the subordinate Judge of Nagpur in Leniage *vs.* the Great Indian Peninsula Railway decided in 1924 ;

(c) that such dismissals are a matter of frequent occurrence even now; and

(d) that the payment of bonus is considered to be a matter of grace and favour on the part of the employees?

2 Have Government considered the question of instructing all railway companies to alter the agreement so as to make a railway servant liable to dismissal only for proved misconduct?

Mr. A. A. L Parsons: 1 (a) No provision is made in the agreements for dismissal with notice Provision is made for termination of service on notice being given by either side, the period of notice varies from one to six months

(b) Government have no information.

(c) Employees are discharged under the terms of the agreement when in the interests of the Railway Administrations their services are no longer required

(d) Presumably the Honourable Member is referring to service gratuity It so, a gratuity is granted as a reward for good, efficient, faithful and continuous service The grant of gratuity is at the discretion of the Railway Administrations and it cannot be claimed as a matter of right.

2 The agreements provide for dismissal for proved misconduct only If the Honourable Member is referring to discharges under the terms of the agreement Government do not propose to alter the agreements as suggested by him

POLICE ESCORTS FOR REMITTANCES OF GOVERNMENT TREASURE SENT BY RAILWAY.

109 **Mr. M Ruthnaswamy** (a) Has the attention of the Government been drawn to an article entitled "Safety at lonely stations" at page 3 of the issue for January 1927 of the Indian Railway Magazine?

(b) Is it a fact that even guards of cash "carrying trains" have no police protection given to them?

(c) Are the Government prepared to consider the advisability of allowing the use of fire-arms to all station masters and railway guards?

Mr. A A. L Parsons: (a) Government have seen the article referred to

(b) Police escorts accompany all remittances of Government treasure sent by railway except remittances of nickel, copper and bronze coin.

As regards private treasure, consignments weighing more than 54 maunds are only conveyed in owners' charge. Whether any protection is required for smaller consignments is under consideration.

With regard to railway earnings remitted by train, arrangements have been made to reduce such remittances as much as possible by payment into local treasuries. No police protection is, as a rule, given.

(c) On certain specially dangerous sections of railway, arms are given to the staff, for example on the Quetta and Rawalpindi divisions,

but Government do not consider that there is any necessity to allow the use of fire-arms to all station masters and railway guards, particularly, as in many cases, such fire-arms would prove to be a greater source of danger than advantage to the person concerned.

ACCIDENTS ON THE SOUTH INDIAN RAILWAY.

110. **Mr. M. Ruthnaswamy**: (*a*) Has the attention of the Government been drawn to an article entitled "Buried alive" at page 10 of the Indian Railway Magazine in its issue for May-June 1927?

(*b*) Is it a fact that it is the third accident of its kind on the South Indian Railway during the last three years?

(*c*) Is it a fact that as the result of a departmental enquiry an European engineer was reduced and a maistry prosecuted?

(*d*) Will the Government be pleased to state the ages of the victims and the amounts of compensation awarded to them?

Mr A A L. Parsons: (*a*) Yes.

(*b*) to (*d*) Enquiries are being made and the result will be communicated to the Honourable Member.

ACCIDENTS DUE TO THE NON-FENCING OF RAILWAY LINES.

111. **Mr. M. Ruthnaswamy**: (*a*) Has the attention of the Government been drawn to the two accidents mentioned at pages 129 and 130 in the July issue of the Indian Railway Magazine?

(*b*) Is it a fact that a large portion of the railway line at Thirumathikunnam, the place of accident, is unfenced?

(*c*) Has the Governor General in Council issued orders under section 13 of the Railways Act to have all railway lines fenced?

(*d*) If so, do Government intend to take any notice of the negligence?

(*e*) Are the Government prepared to take action to ensure that the members of the Local Advisory Committees should be asked to be present at all enquiries into accidents attended with loss of life?

(*f*) Will the Government be pleased to state if any and, if so, how much, compensation has been awarded to the victims in the aforesaid two accidents?

Mr. A. A. L. Parsons: (*a*) Yes.

(*b*) Such information as we have goes to show that the line is fenced at this spot, but I am making enquiries.

(*c*) No.

(*d*) I am not sure that I understand what alleged act of negligence the Honourable Member refers but, as I have said, I am enquiring whether the line is fenced at this spot.

(*e*) The question of the possibility of associating representatives of the public with enquiries into accidents has been carefully considered by Government, but with the advice and consent of the Central Advisory Council the proposal to provide for such association has been dropped.

(*f*) I will enquire whether any compensation has been paid and let the Honourable Member know. In one of the cases mentioned there seems, *primâ facie, no reason for any such payment.*

REVISION OF THE PAY OF CLERKS ON THE SOUTH INDIAN RAILWAY.

112. **Mr. M. Ruthnaswamy**: (*a*) Are the Government aware that at the last Session of the Legislative Assembly Government stated that the revision of the pay of clerks on the South Indian Railway was under contemplation?

(*b*) Are the Government aware that the Agent of the South Indian Railway said in answer to the deputation of the members that waited on him recently that it was not proposed to revise their salaries?

(*c*) Will the Government be pleased to state which of these statements is correct?

Mr A. A. L Parsons: (*a*) and (*c*) At the last Session of the Legislative Assembly it was stated that the question of revising the starting pay of junior clerks was under the consideration of the South Indian Railway Company. This was certainly a correct statement of fact at the time it was made.

(*b*) Government have no information, but will enquire.

GRANT OF ALLOWANCES TO THE OFFICERS AND CLERKS OF THE TELEGRAPH OFFICE, SIMLA, MOVING WITH THE GOVERNMENT OF INDIA BETWEEN SIMLA AND DELHI.

113 **Mr N M. Joshi**: (*a*) Will the Government be pleased to state the allowances that are being paid to the staff of the attached offices of the Government of India, namely, the Director General of Posts and Telegraphs and the Military Accountant General? Are these allowances paid on the ground of the nature of work in the offices mentioned or on account of the higher cost of living in Simla and Delhi or on account of the move of the two offices with the Government of India?

(*b*) Is it a fact that three-fourths of the staff of the Simla Government Telegraph Office move with the Government of India Headquarters? If so, will Government kindly mention the number of such persons concerned and the grade they belong to?

(*c*) Do not the officers and clerks of the Telegraph Office, Simla, face the same hardships as those in the two attached offices of the Government of India mentioned in part (*a*) above?

(*d*) Are these officers and clerks of the Simla Telegraph Office paid the same allowances that are paid to the staff of the two attached offices? If not, why not?

(*e*) Do these telegraph employees receive the same treatment in regard to joining time when they move down to Delhi or up to Simla as the employees of the two attached offices? If so, why is the distinction made in respect of the allowances and why is the Simla Allowance Code applied to the telegraph employees in one respect and not in another?

The Honourable Sir Bhupendra Nath Mitra: (*a*) The establishment of the offices of the Director General of Posts and Telegraphs and of the

Military Accountant General receive allowances under the Simla Allowance Code. These allowances are paid in consideration of the expensiveness of living in Simla and of other disadvantages to which these establishments are subject as a result of their having to move with the Government of India.

(*b*) Yes

Office Superintendent	1
Telegraph Master, General Service	3
Telegraphists, General Service	28
Clerks	15
Munshies	3
Time keepers	2
Compositors	6

(*c*) The Office Superintendent and the General Service Telegraph Masters and Telegraphists, Simla, are provided with free quarters and thus protected against excessive house-rents. With this exception the reply is in the affirmative.

(*d*) No. The Telegraph Office staff receive allowances specifically sanctioned for them by the Government of India. The allowances are based on the recommendations of the Telegraph Committee of 1921.

(*e*) No. The telegraph employees are granted joining time under the Supplementary Rules while the establishments of the Director-General's and Military Accountant General's offices are granted joining time under rule 18 of the Simla Allowances Code. The restrictions until recently imposed on the grant of joining time to the former have been removed

The second part does not arise.

GRANT OF FREE QUARTERS OR HOUSE-RENT IN LIEU THEREOF TO THE SIGNAL ROOM CLERKS TRANSFERRED FROM OLD DELHI TO NEW DELHI.

114. **Mr. N. M. Joshi**: Is it a fact that the services of the signal room clerks of the Simla-Delhi Telegraph Offices are not transferable except on promotion; if so, will the Government please state whether the signal room clerks transferred from Delhi Old Secretariat to New Delhi have been either provided with free quarters or house-rent allowance? If the answer be in the negative, will Government please state if they propose now to redress their grievance by granting house-rent or free quarters?

The Honourable Sir Bhupendra Nath Mitra: The answer to the first part of the question is that signal room clerks are transferable from one station to another either on promotion or on revision of establishment or in the interests of discipline.

The answer to the second part is in the negative.

In respect of the third part Government do not admit that the clerks concerned have a grievance. Signal room clerks are not entitled to free quarters nor to house-rent allowance.

(*f*) I will enquire whether any compensation has been paid and let the Honourable Member know. In one of the cases mentioned there seems, *primâ facie*, no reason for any such payment.

REVISION OF THE PAY OF CLERKS ON THE SOUTH INDIAN RAILWAY.

112. **Mr. M. Ruthnaswamy** : (*a*) Are the Government aware that at the last Session of the Legislative Assembly Government stated that the revision of the pay of clerks on the South Indian Railway was under contemplation ?

(*b*) Are the Government aware that the Agent of the South Indian Railway said in answer to the deputation of the members that waited on him recently that it was not proposed to revise their salaries ?

(*c*) Will the Government be pleased to state which of these statements is correct ?

Mr. A. A. L. Parsons : (*a*) and (*c*) At the last Session of the Legislative Assembly it was stated that the question of revising the starting pay of junior clerks was under the consideration of the South Indian Railway Company This was certainly a correct statement of fact at the time it was made.

(*b*) Government have no information, but will enquire

GRANT OF ALLOWANCES TO THE OFFICERS AND CLERKS OF THE TELEGRAPH OFFICE, SIMLA, MOVING WITH THE GOVERNMENT OF INDIA BETWEEN SIMLA AND DELHI.

113. **Mr N M. Joshi** : (*a*) Will the Government be pleased to state the allowances that are being paid to the staff of the attached offices of the Government of India, namely, the Director General of Posts and Telegraphs and the Military Accountant General ? Are these allowances paid on the ground of the nature of work in the offices mentioned or on account of the higher cost of living in Simla and Delhi or on account of the move of the two offices with the Government of India ?

(*b*) Is it a fact that three-fourths of the staff of the Simla Government Telegraph Office move with the Government of India Headquarters ? If so, will Government kindly mention the number of such persons concerned and the grade they belong to ?

(*c*) Do not the officers and clerks of the Telegraph Office, Simla, face the same hardships as those in the two attached offices of the Government of India mentioned in part (*a*) above ?

(*d*) Are these officers and clerks of the Simla Telegraph Office paid the same allowances that are paid to the staff of the two attached offices ? If not, why not ?

(*e*) Do these telegraph employees receive the same treatment in regard to joining time when they move down to Delhi or up to Simla as the employees of the two attached offices ? If so, why is the distinction made in respect of the allowances and why is the Simla Allowance Code applied to the telegraph employees in one respect and not in another ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The establishment of the offices of the Director General of Posts and Telegraphs and of the

Military Accountant General receive allowances under the Simla Allowance Code. These allowances are paid in consideration of the expensiveness of living in Simla and of other disadvantages to which these establishments are subject as a result of their having to move with the Government of India.

(*b*) Yes.

Office Superintendent	1
Telegraph Master, General Service	3
Telegraphists, General Service	28
Clerks	15
Munshies	3
Time keepers	2
Compositors	6

(*c*) The Office Superintendent and the General Service Telegraph Masters and Telegraphists, Simla, are provided with free quarters and thus protected against excessive house-rents. With this exception the reply is in the affirmative.

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The Honourable Sir Bhupendra Nath Mitra: (*a*) The establishment of the offices of the Director General of Posts and Telegraphs and of the

Mr. G. M. Young: (*a*) The annual contracts of 23 officers lapsed on or about the date mentioned and were not renewed. These officers had served altogether for 9 years on annually renewed contracts.

(*b*) Yes, Sir Except that the document referred to by my Honourable friend was a memorandum and not an Army Order.

(*c*) No, Sir. As I have stated on previous occasions these officers were originally engaged on annual contracts, subject to renewal at their option as well as that of Government for further periods of a year at a time. They have therefore no vested interests beyond what is represented by the annual contract They were entitled to such notice of non-renewal of their contracts as is laid down in the terms of the contract. That notice was duly given to all of them

(*d*) Europeans have been recruited as temporary I. M. S. officers on the same terms as Indian temporary I. M. S. Officers, but I cannot say whether any of them were actually recruited in India The second part of this question does not arise.

(*e*) The temporary officers whose contracts were not renewed were replaced by the same number of newly recruited officers with temporary commissions. As I have informed the House, Government are re-examining this question, though they can give no undertaking that the 9 years' rule will be modified.

GRANT OF GRATUITY OR SOME FORM OF PENSION TO TEMPORARY INDIAN OFFICERS OF THE INDIAN MEDICAL SERVICE WHEN THEY ARE DISCHARGED.

117. **Lieut.-Colonel H. A. J. Gidney**: (*a*) Is it a fact that temporary I. M. S. officers engaged in England receive £1,000 as a gratuity on the completion of 5 years of temporary service, and that this gratuity is increased if further temporary service is rendered ?

(*b*) If the answer to part (*a*) is in the affirmative, will the Honourable Member please state if there is any difference in the duties performed by the European and the Indian temporarily engaged I. M. S. officers ?

(*c*) If the answer to part (*a*) is in the negative, will the Government please state the reason for this difference in treatment ?

(*d*) Are Government prepared to sympathetically consider the granting of a similar gratuity or some form of pension to Indian temporarily engaged I. M. S. officers when they are discharged ? If not, why not ?

Mr. G. M. Young: (*a*) No, Sir. As I have explained fully in my reply to Diwan Chaman Lall's question No. 806, no temporary I. M. S. officers are engaged in England, but the terms of appointment to permanent commissions in the I. M. S. now include the option of retiring after 6 or 12 years service with a gratuity of £1,000 or £2,500 instead of pension. Indian officers recruited to the permanent service now have this option equally with Europeans. No temporary officer, whether Indian or European, whether recruited in England or in India, is entitled to a gratuity under the terms of his contract.

(*b*), (*c*) and (*d*). Do not arise.

MOTION FOR ADJOURNMENT.

THE GOLD STANDARD AND RESERVE BANK OF INDIA BILL.

Mr. President: I have received the following notice of a motion for adjournment of the House from Diwan Chaman Lall:

"I beg to give notice of the following motion of adjournment to discuss a matter of recent and urgent public importance, namely, the affront offered to the Legislative Assembly by the Government in withdrawing this Session the Gold Standard and Reserve Bank Bill before the Assembly had had an opportunity of discussing the remaining clauses of the Bill."

The matter proposed to be discussed seems to me to be in order, and I have to ask whether the Honourable Member has the leave of the Assembly to move the adjournment.

(No member stood up to object.)

As no Honourable Member takes objection I intimate that leave is granted and that the motion will be taken up at 4 P.M.

APPOINTMENT OF MUNSHI ISWAR SARAN TO THE LIBRARY COMMITTEE

Mr. President. I have to inform Honourable Members of this House that I have appointed Munshi Iswar Saran to the Library Committee in place of Diwan Bahadur R Ramchandra Rao who has ceased to be a Member of the Legislative Assembly.

RESOLUTION *RE* INDIANISATION OF HALF THE CADRE OF OFFICERS OF THE INDIAN ARMY

Mr. President: The House will now resume further discussion of the following Resolution moved by Dr B S. Moonje on the 25th August 1927, and also the amendment moved thereto by Mr Srinivasa Iyengar. The Resolution is:

"That this Assembly recommends to the Governor General in Council that as a beginning in the direction of preparing India for self-defence immediate steps be taken to bring about the Indianisation of half the cadre of officers in the Indian Army, unanimously recommended by the Skeen Committee, within a period of fifteen years, and to carry out the unanimous recommendations of the Committee with regard to the establishment of an Indian Sandhurst and the recruitment of Indian officers in those arms of the defensive forces, paid for out of Indian revenues, from which they are at present excluded"

The amendment of Mr. Srinivasa Iyengar is:

"That for the original Resolution the following be substituted:

'Subject to the revision of the whole scheme of the defence of the country in any future constitution for India acceptable to the people of India, and while feeling that the recommendations of the Indian Sandhurst Committee, specially relating to the continuance of British recruitment, do not satisfy Indian public opinion, this Assembly is of opinion that the acceptance of the unanimous recommendations of that Committee will mark a definite beginning in the Indianisation of the Army in India, and it therefore recommends to the Governor General in Council that he may be pleased to accept those recommendations and give immediate effect to them'."

Rai Sahib Har Bilas Sarda (Ajmer-Merwara: General): Sir, I do not intend to speak on the military situation of Asia as affecting India, nor how, as time passes, the awakening of China, Persia and Afghanistan

and their gradual evolution as powerful military states have darkened the prospects of people of this country living peaceful lives, nor, how the increasingly estranged relations between Russia and England are rendering the military and political outlook so far as this country is concerned less and less satisfactory That has been done by my Honourable friend Dr. Moonje. I wish to say a few words as to the alleged difficulty in the way of the Indianisation of the Army , but before I do so I wish to say a few words with regard to what my Honourable friend, Colonel Crawford, said the other day with regard to the Skeen Committee. He said that the Skeen Committee was a failure because it mistook its task. Instead of concerning itself primarily with the efficiency of the Army, it concerned itself with the question as to how many Indians should be appointed to it He also said in rather an apologetic tone, as if he was telling a truth which was unpalatable but which must be told, that the efficiency of the Army was not compatible with the increasing Indianisation of the Army, for British officers were unwilling to serve under Indians because of differences of social life

As to the first point, I believe nobody here thinks that the Skeen Committee, which was presided over by such a distinguished soldier as General Skeen, the Chief of the General Staff, and on which there was also an eminent officer like Mr. Burdon, Secretary to the Government of India in the Army Department, did not pay heed to the question of efficiency. The fact is that my Honourable friend, and gentlemen of his way of thinking wish to keep the Army in India as a close preserve for Britishers, and whenever any proposal is made to give the Indians their due share in the defence of their country, the cry is always raised, "efficiency in danger." But, Sir, it is time that Colonel Crawford realised that this cry "wolf, wolf" no longer deceives anybody now.

As regards the second point, my Honourable friend is mistaken if he thinks that Indians believe in the danger which he tries to foreshadow. The English are a very practical people, and no people in the world know how to bow to the inevitable with greater grace. So long as they know that they can dictate their own terms, they will do so, but the moment they come to know, that they cannot have things all their own way, they will fall into line and accept the situation. When they know that they cannot have all the prizes in the Army, they will be content with what they can get and serve India. But, Sir, if the worst comes to the worst, and if when Indians are placed in command of battalions and regiments, the English officers refuse to have anything to do with the Army, though we shall be very sorry, we shall not be dismayed. We shall regard this as one of the ills which the body politic of India is heir to. We are anxious to enlist in the service of our country all the assistance that we can get from British officers, but if they still do not come, we shall not go into mourning ; we shall not sit in ashes and sack-cloth mourning our fate. They will not find us with tears in our eyes and hands folded beseeching these so many achilles sulking in their tents to come and command us. Sir, we Indians, Hindus and Muhammadans and Anglo-Indians, have sufficient suitable material in this country which, when trained, will help us to create an army which would be quite sufficient for the defence of our country. I wonder if my friend Colonel Crawford knows that General Sir Ian Hamilton says in his Scrap Book on the first part of the Russo-Japanese War :

"Why, there is material in the North of India and in Nepal sufficient and fit, under good leadership, to shake the artificial society of Europe to its foundations".

[Rai Sahib Har Bilas Sarda.]

Another military writer writing in the *Contemporary Review* a few years ago, said :

"*If the Prussian conscription were applied in India, we should, without counting reserves or land'wehr or any force not summoned in time of peace, have two and a half millions of soldiers actually in barracks, with 800,000 recruits coming up every year—a force with which not only Asia but the world might be subdued.*"

Now, Sir, when we have got such material, and if we can get trained officers, there is no reason why we should not be able to have an army adequate for our purposes Perhaps Colonel Crawford knows that it was not with the help of British officers that the Indian Army put a stop to the ever victorious march of Alexander the Great and later inflicted the disastrous defeat on the celebrated Greek King and General Seleukus and wrested half Western Asia from him, was it because the army was led by British officers that it hurled back the untold legions of Semaramis the Great of Assyria and inflicted a defeat on the Assyrian army from which it never recovered or again when King Sobhogsen defeated Antischus the Great. The nation that achieved such brilliant triumphs may be safely taken to possess suitable material for an efficient army. We have also got amongst us here descendents of those who founded in India an empire in the 16th century which was the strongest of its time Thus we have got material for officering the army in this country which, when properly trained, would be quite adequate for the defence of our country

Now, Sir, the chief difficulty alleged to be in the way of Indianization of the Army is the paucity of suitable youngmen who could be trained as officers for the Army. As I have said, there were in India, before the English came to this country, large armies commanded by Indians who showed great powers of command and who achieved great military feats which throw lustre on the history of India It is only since the British Raj has been established that armies in India have ceased to be commanded by Indians, not because sufficient and suitable officers have not been forthcoming, but because it has been the policy of the British Government to train Indians for military service or to give them even the smallest control over the Army It is perfectly true, Sir, that military science has made wonderful advance in these days and that a person has to undergo long training before he is fully equipped to be an efficient officer But when Europeans who commanded European armies before these developments took place are now able to adjust themselves to the changed circumstances and are able to command modern armies, there is no reason why Indians who are regarded as a highly intellectual race should not also be able to adjust themselves to the changed circumstances. When India can produce good soldiers, there is no reason why with proper training she should not be able to produce officers to command the army Are there any countries with large armies where the armies are officered exclusively by foreigners. Is human nature then so radically different in India from that in the rest of the world that it can produce only soldiers but not officers even when training is available? Sir, I think there is sufficient material present in Rajputana to furnish a large part of the Army with officers ; so is the case with the Punjab, Maharashtra, Oudh and other provinces We must not judge of the capacity of Indians for military service from the students who go up for the Sandhurst examination Even Sir John Maynard, formerly Member of the Executive Council of the Punjab, who served for

40 years in India has assured us—I read from the Skeen Committee's Report :

"In the Punjab alone there are many boys who do not appear for the Sandhurst examination but are of better quality than the accepted Sandhurst candidates, whom he himself had seen".

It is only because the people do not think that Government is anxious that youngmen in India should take to the profession of arms that there is this alleged paucity. If the people of India are convinced that it is the genuine desire of Government that Indians should take their proper share in the defence of their country, the military colleges and schools which would be established for the purpose would be flooded with young men who will be found to be able to hold their own against young men of any other country.

Sir, the recommendations of the Indian Sandhurst Committee are neither generous nor liberal And even if the recommendations in their entirety are given effect to, it is very doubtful if half the officers of the army will be Indians even after 25 or 30 years. We can well understand the caution and hesitation of Government in the matter, considering the great stake that England has in the country, for England's world position depends upon India not breaking away from her. And, Sir, when it is the avowed policy of Government to give self-government to this country, is it not wise and prudent that Government should win and retain the good will of Indians by conceding to them the right of defending their own country and by training them to do so What is therefore important at the present time is that a real beginning in a right earnest spirit be made and, though the recommendations of the Skeen Committee are far from satisfactory, still the country accepts them as a proof of the genuine desire of Government to set the country on the road which will lead to the position when Indians will be able to defend their own country

Two things, however, are necessary for the success of this scheme. The system of recruitment which has been recommended is over-cautious and in fact unsatisfactory. The scheme laid down in pages 29 and 30 of the Report appears to aim at securing what in present-day political parlance may be called "safe men". Government should show greater trust in the people if the scheme is to have a chance of success. Secondly, Government should lose no time in moving the universities and other educational authorities suitably to modify the courses of study so as to enable young men so inclined to take to the profession of arms. And Government will find that in ten years' time suitable material would in a much larger degree be available than they would be able to make use of.

One word more and I finish. I hope Government will not give undue weight to the interested protests of people who profess to be representatives of the so-called martial classes against the intellectual classes entering the Army. They declaim against the intelligentsia, against the nimble-brained people as if brains were at a discount in the Army. The equipment of officers, Sir, is not the same as that of soldiers serving in the ranks. Ire, grit, nerve and character are the essentials of military life but they are not the monopoly of those who have learnt to use a bayonet or a rifle when commanded to do so It is no use concealing the fact that the present paucity of suitable candidates fit to be trained as officers in the Army is due solely to the fact that the doors of the Army are

[Rai Sahib Har Bilas Sarda.]

closed to the intellectual classes. This bar to keep the intellectual classes from entering the Army is, I fear, another way of keeping the Army reserved for Britishers, for they will always be able to say that young men of sufficient education with sufficient brain power to be able to compete with English boys at the Sandhurst examination are not forthcoming. Sir, I support the amendment proposed by Mr. Srinivasa Iyengar.

Mr. H. G. Cocke (Bombay: European) : Sir, I confess that I approach this subject with some diffidence because I realise that we in this House are mainly amateur soldiers or no soldiers at all. And it is obviously a subject which is very complex and a subject upon which we can only come to a decision after hearing the very best advice possible We are attempting to build a structure and it is absolutely essential that the foundations to that structure should be well and truly laid. If a mistake is made in the initial stages it may re-act against the whole problem we are out to solve. And as my Honourable friend says, the whole building might fall down. We agree that the problem is one that should undoubtedly have been faced much earlier. It is easy to be wise after the event and it is very little good discussing that aspect of the matter now. History to some extent will possibly help us in this matter. At the same time, I do not consider that delving into the past, as the Honourable Member did who has just sat down, will help us very much. Armies are changing very rapidly and conditions are changing, and in building up our structure we have got to consider the future much more than we have to consider the past. Undoubtedly, to some extent this subject is one which will have to be tackled by the Statutory Commission because it is not a local problem, it is not merely an Indian problem, it is an Imperial problem and it is for that reason that we on these Benches feel that, much as we admire and sympathise with the recommendations of the Skeen Report, we feel that. until that Report has been discussed and advised upon by those who are expert in the creation and maintenance of armies, particularly with regard to the Imperial aspect, we on our side are not inclined either to approve or condemn the main recommendations of the Report to-day. We wish to hear further views on the subject and to frame our own opinions later. Undoubtedly, we have got to visualise the prospect in the future of the Indian Army having to stand not perhaps entirely alone, but in the main alone, and that situation has got to be worked up to. My Honourable friend who has just sat down referred to Colonel Crawford's speech made some little time ago in this House in connection with this Resolution and he said that Colonel Crawford desired to keep the Indian Army a close preserve for British officers. Colonel Crawford attempted to correct the Honourable Member but he did not give way. I wish to point out that the Honourable Member said the exact opposite of what Colonel Crawford said in his speech, and considering the speech was made some weeks ago and the Honourable Member has had time to peruse it, I think he might have been rather more careful in referring to it. Colonel Crawford said :

"I believe entirely that we must concentrate all our energies on the building up of an Indian Army of all arms officered entirely by Indians if we are ever to make this country capable of Dominion self-government."

Rai Sahib Harbilas Sarda : May I just correct the Honourable Member. I will read his words from the official report of his speech. He said :

"We will concentrate, not upon the question of efficiency but upon the question of how many men are we going to take in. That is really what the Report does"

Mr. H. G. Cocke : The Honourable Member said that Colonel Crawford had stated that he wished to keep the British Army a close preserve for British officers and I have corrected him on that point.

Rai Sahib Harbilas Sarda : No, I did not say that he said so.

Mr. H. G. Cocke : We here are absolutely at one on that point that the Indian Army will have to be Indianised and remoulded but, as I have already stated, it is a very large problem and not a local one and a problem on which we wish to have further advice before committing ourselves to any details. You cannot deal with the British Army and the Indian Army in water-tight compartments. You have got to consider the whole problem of Imperial defence as a whole, and the terms of reference to the Skeen Committee were undoubtedly limited. That Committee was not in a position to review the whole situation from top to bottom. The Army Council and the authorities in England have got every right to participate in this matter and their advice is recognised to be a matter of importance. The statement of the Report at page 41 is to the effect that :

"apart from any consideration which might influence ourselves, the Army Council must have the right to decide what standard of training and qualifications is to be regarded as adequate in the case of an army officer who is to hold the King's commission"

Don't let us be in a hurry in arriving at a decision on this Report. It will be noted that the original Resolution and the amendment before the House at the present moment both include the word "immediate". In the Resolution we are to take "immediate steps", and in the amendment to give "immediate effect" to the recommendations. I say that both those words are unfortunate and this House is certainly not in a position to adopt any Resolution which includes the word "immediate".

One of the great problems which has got to be solved is the question of the improvement in the supply of the British officers. We have already been told that there is a shortage under ordinary conditions to-day. If the remoulding of this Army is going to make the problem more difficult, then, in the very words of the Report, the scheme will break down. Therefore, one of the first difficulties that has to be got over is that the scheme should be such that it will be more acceptable to the British officer than the present scheme is likely to be.

Mr. B. Das (Orissa Division : Non-Muhammadan) : That is your main point.

Mr. H. G. Cocke : It is not merely or mainly a question of the terms upon which these officers are induced to come out to this country, but I venture to think it is mainly a question of getting at the heart of the Britisher whom we want to attract. In other words, if the scheme is well laid on a sound foundation, it is likely that you will get men to come out because they will realise that they are helping to create efficiency in the Army. If from the first it is considered that the matter is being tackled on wrong lines, you will be much less likely to get the required number and stamp of the British officers.

[Mr. H. G. Cocke.]

I have already dealt with the question of the training of Indian officers. We all realise that they have got to be trained. It is only a question of the best method. A military college will undoubtedly have to be formed and we on this side will be only too glad to welcome that step.

Sir, we do not consider that the time has arrived for going into detailed proposals. If the scheme propounded by the Skeen Committee were adopted by this House in its entirety to-day I think it will be a misfortune. I notice that Mr. Roy said on the previous occasion that it would be an economic, social and political misfortune if the scheme were not adopted. I should like to quote his exact words He said that ·

"if the entire recommendations of the Skeen Report were not accepted, it will mar political, economic and social progress."

I have a better opinion of India than that When he says that, if the Report is not adopted entirely, it will mar the progress of India, I do not at the moment believe him.

As regards the domiciled community of India, we realise that there is excellent material in this country and we sincerely hope that that will be made use of. There are many schools in this country which turn out a very good class of boy who will be very useful in the future moulding of the Indian Army

The scheme outlined in the Skeen Report is full of safeguards, and if we adopt this Report without any change whatever, it is liable to break down His Excellency the Commander-in-Chief read out an extract from the Report on the previous occasion pointing out that this scheme or any scheme would depend on the requisite material being forthcoming and on the state of efficiency to be obtained Another quotation is this :

"Our main scheme will ultimately stand or fall by the quality of the material which it succeeds in producing and which has yet to be produced in the numbers constituting the basis of our primary proposals."

And again, on the subject of education, which, as we all know, hits the very root of the problem, the Report says :

"We would make it a condition that Indian boys seeking to enter Woolwich or Cranwell should be required to pass the same qualifying tests as British boys"

That recognises at once the very high standard of education which has got to be attained and which cannot be attained to-day. I therefore suggest to the House that neither the present Resolution nor the amendment should be pressed, and that the matter can be discussed again on a later date when we have more information before us and when we should be in a better position to argue and discuss most of the foundations of the structure we are all anxious to build

Lieutenant Sardar Muhammad Nawaz Khan (Punjab : Land holders) : Sir, with your permission, I rise to move the amendment which stands in my name......

Mr. President : Order, order. The amendment which now holds the field is the amendment of Mr. S. Srinivasa Iyengar. If that amendment is defeated—the Honourable Member must make every endeavour to defeat if he wants to move his own—then he will have an opportunity of moving his amendment. What the Chair proposes to do is to allow discussion

on the original Resolution and the amendment of Mr. Srinivasa Iyengar to proceed, and then put Mr. Srinivasa Iyengar's amendment to the vote, and if that is defeated, to take up the next amendment.

Munshi Iswar Saran (Lucknow Division : Non-Muhammadan Rural): Sir, I wish to assure the House that I listened with such attention and respect to the speech of His Excellency the Commander-in-Chief as is due to his exalted position, and since its publication in the Official Report, I have read and re-read it with very great care, but I am constrained to say with all respect that the speech is utterly disappointing and unsatisfactory. The speech of His Excellency can be divided into two parts ; in the first part His Excellency has asked the House to wait for the result of the communication that is in progress between the Government of India on the one hand and the authorities in England on the other, and in the other part His Excellency allowed us to have a peep into the mind of the Government of India when His Excellency dealt with the question of efficiency and our defective system of education, and so on. With your permission, Sir, I shall deal first with the first part of His Excellency's speech.

Mr. President : The Honourable Member has 15 minutes only.

Munshi Iswar Saran : I shall do it in less time, Sir. Now, it would appear to a man who is not familiar with the proceedings of this House and with the history of India that this question about the Indianisation of the Army was brought up before the Government of India and the authorities in England for the first time, and, therefore, they did not know what conclusion to come to as they had not time enough to study the question in all its various aspects. But, Sir, is that so ? I submit that if you look to the past history of this question and if you keep in mind the agitation that has been going on in the public press and on the public platform, you will find that this question has been prominently before the Government of India and the authorities in England at least for 30 to 40 years. In view of the reminder which you, Sir, were pleased to give I shall be very brief and give one or two facts only. It will be remembered that on the 28th March 1921, while the debate on the Report of the Esher Committee was in progress in this House, I had the honour to move an amendment which ran as follows :

> "As soon as funds be available, steps should be taken to establish in India a Military College, such as Sandhurst, and the desirability of establishing in India training and educational institutions for other branches of the Army should be steadily kept in view "

You will notice, Sir, that His Excellency, the then Commander-in-Chief accepted this amendment after it had been incorporated in the Resolution itself. Then, Sir, you will find that on the 24th January 1923, the [illegible] Yamin Khan moved a Resolution on this question. It was then the [illegible] Excellency Lord Rawlinson said :

> "[illegible] that Members of the Legislature, and [illegible] n India, are deeply interested in [illegible] at the Government have taken, and [illegible]

His Excellency hoped that he would be able to make an [illegible] soon after the decision of the authorities in England had [illegible] at. We then find that on the 4th July 1923 Sir Sivaswam[illegible] a Resolution in the Legislative Assembly that effect be [illegible]

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What do we find ? The Report of the Sandhurst Committee was issued in 1926, and wellnigh one year has elapsed, and what have the Government done ? (*An Honourable Member* : "Nothing".) Government have not sent up their final proposals. What the Government have done according to His Excellency the Commander-in-Chief is that they have submitted only provisional recommendations to the authorities in England, and we were told by His Excellency that after the views of this House are known, a full despatch will be sent to the authorities in England Why, Sir, this differential treatment between the Report of the Indian Sandhurst Committee and the Report of the Lee Commission ? We find that within six months of the issue of the Report of the Lee Commission, the then Home Member brought forward a resolution in the Legislative Assembly incorporating the recommendations which he expected this House to accept. Why, may I ask—with all respect,—why did not the Government of India wait and say, "Oh, let us know the views of the Legislative Assembly about the recommendations of the Lee Commission". No Instead of doing that, they formulated their proposals and they put them before the House and expected the Assembly to accept the recommendations made by Government. Then, Sir, may I ask, if this debate was initiated by Government ? I would have understood the desire of Government to know our views if Government had said to the Assembly : "Here is the Report of the Indian Sandhurst Committee Before we make up our minds finally, will you express your opinion about it ?" They did nothing of the kind. It was left to the

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where we stand. This negotiation and this correspondence will go on, as it has been indeed going on for some considerable time. Did you not think of all this when you appointed the Committee ?

As soon as the Report of the Indian Sandhurst Committee was published, a foreword was attached to it. My Honourable friend Mr. Jinnah and other busy men, (?) are we to understand, have been engaged in preparing the report which will supply material to Government to *enable them to explore other avenues which were not within the purview of the Committee.* The Sub-Committee consisting of busy men visited Canada, France and other places, and made their recommendations. You have the result of their labours and I say to Government, come to a conclusion. It does not matter what your conclusion is I only beseech you not to continue to say that this matter is still engaging attention. Surely Government can come to a conclusion if only they care to.

There are two points which I shall with your permission make clear. It has been said by my Honourable friend the Mover that in a time of trial or difficulty it is possible the British Government may not be able to help India in her defence. I would not base my claim for Indianisation on that ground. I shall assume that England will ever be willing and will ever be able to defend India I shall further assume that England will not charge us a single penny, that she will defend us out of pure love and out of sheer generosity. In spite of these assumptions, I still say that it hurts our national self-respect not to be able to defend our country and for our defence to depend upon foreigners. Sir, self-government may come, self-government may not come, but we desire to have the power and the capacity to defend our hearths and homes and to defend the honour of our women. Before I proceed further I shall say one other word and it is this, that there is a great deal of confusion of thought—I shall not use a stronger expression—about the capacity to defend being a condition precedent to the acquisition of self-government. I submit that this capacity is not and has not been a condition precedent so far If you look to the history of the self-governing Dominions you will find that in no case was the capacity to defend itself a condition precedent to the grant of self-government. If you refer to the book called " The Empire at War " by Sir Charles Lucas, in Volume I, page 69, this is what you find :

" . . . it may be summed up that at the time of the mid century wars, between 1850 and 1860, as far as the Colonies were concerned, Imperial partnership was mainly limited to gifts of money for relief, or at most, to elementary preparations for self-defence in the event of the removal of the Imperial garrisons In other words, a little more than sixty years ago, the overseas provinces of the Empire, with the exception of India, so far from being prepared to fight the battles of the Empire beyond their own shores, were not prepared in any effective sense to defend those shores Defence was still looked upon as the charge of the Mother Country "

Sir, may I now turn to the second part of the speech in which His Excellency was pleased to refer to the question of efficiency. Now, Sir, there is no time otherwise I should have invited the attention of this House to the testimony borne, not as my Honourable friend Mr. Cocke said by ancients, but by modern authorities. I shall quote only a few words from Lord Rawlinson. He said :

" The Indian Army has a traditional reputation for efficiency and reliability which is I think universally acknowledged. It will be unnecessary for me to dilate on

their endeavours, their self-sacrifice, for Honourable Members all know the great achievements of the Indian Army before the great war, during the great war and since the great war, both in India and overseas."

Sir, it passes my poor intelligence and comprehension how the question of efficiency arises When did you give our men a chance of working as officers and when did they fail ? Did they ever fail ? If not, then I submit the onus lies heavily on you to prove that if you give a chance to our young men to work as officers in the Army they will not prove as efficient as anybody under the sun.

Turn we now to the question of education in this country. I do not suppose the framers of this Indian Sandhurst Committee Report ever thought what use would be made of their harmless remarks on the question of education If you look at the history of education in this country.. ..

Mr. President : The Honourable Member must now conclude his remarks.

Mushi Iswar Saran : Now I must conclude. I wish I had the opportunity to say a few words about the provocative speech of Colonel Crawford.

Mr. President : The Honourable Member should have done it in the beginning Will he now conclude his speech ?

1 P.M.

Munshi Iswar Saran : Very well, Sir, I shall then resume my seat.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province : Nominated Non-Official) : Sir, I am glad to have been given this opportunity of speaking on his subject in which I am greatly interested—perhaps not so much as my friend, Dr. Moonje is interested ; but I can say that I am interested in the subject a good deal. Sir, I admire the way in which he has put the subject before the House. He has gone very thoroughly into it, and I think he well deserved the appellation of "Colonel" hinted at in this House the other day. Sir, there were certain matters in his speech which are really fundamental and which ought to be more clearly brought before the House, and though I do not command a knowledge of the English language to such an extent as to do full justice to the subject, still I shall try to explain my views, Sir. Before proceeding to the points on which I should like to speak at some length later on as regards India, Indianisation, national spirit and such things, I think the House will be expecting from me something on the Skeen Committee's Report itself, of which I was one of the signatories. I thought, Sir, that we had compiled a very short and sweet report, and we hoped that the Report would meet with the approval and satisfaction of both the Government and the public ; but when I returned from Bombay after having signed the Report, the first question which was put to me in my part of the country was, what we had done for the martial races ! I tried to utter a few smooth words, but I was afraid that when the Report was published, it would give no satisfaction to the martial races in the north—and so it happened. I now see that deputations are waiting on His Excellency the Commander-in-Chief and are parading the lobbies of this House, and I am sure more so the lobbies of the Council of State, which has some leaders of the martial races, asking the Members of both the Houses to safeguard their interests, and I do not know what can be done for them now. As regards the Report itself,

[Nawab Sir Sahibzada Abdul Qaiyum.]

Sir, I think it is a very simple measure. All that we want for the present is simply to double the vacancies now open to Indians in the Army. There is a provision for an Indian Sandhurst later on in 1933 We have also suggested that half the number of officers should be Indians in 1952 Beyond that we could suggest or recommend nothing. We could not say as to when it would be possible to eliminate the British element from the Army We also provided for a revision of the whole scheme after ten years. We thought that with so many safeguards the Report would be acceptable to Government, and I do hope that it is not unacceptable to Government The only thing that occurs to me is that, having regard to the Imperial nature of the question or something connected with the Imperial policy of the defence of the Empire, it is being gone through more carefully and more cautiously I think it is well that this scheme is brought before the House and is being discussed and debated The opinion of the House will go before the authorities at home and will give them an idea of what the country wants. I do not think that the Mover of the Resolution should press his Resolution to a division just now, there is every hope of its being carried, but something which is just the reverse of it, has happened in the other House. I am sure we shall get another opportunity of discussing it in the Delhi Session and perhaps that will be the more appropriate time for us to come to a definite decision on this subject But whether the Mover takes it to a division or not, does not concern me, it is his own look-out I should only like the Government of India to know the views of the House on this subject and that, too, in detail.

Sir, when I was listening to the speech of the Mover of the Resolution I heard such expressions as "India, Indian, national aspirations, martial spirit" and things of that sort a good deal I am really anxious to know, not as a critic, but as a real inquirer, what "India" really means? As at present constituted, it comprises the countries of Burma, Baluchistan, British Afghanistan (in other words, the North-West Frontier Province), the tribal area, Chitral, etc., etc, and God knows how many more countries are to be conquered by the British and brought into the sphere of the Indian Empire.

Does my Honourable friend Dr. Moonje really mean that he is going to arrange for the defence of these vast countries comprising the Indian Empire? Is he trying to make provision for the defence of all the Hindu Kush passes leading into this huge continent of India (*An Honourable Member* · "Yes.") Quite so If that is the idea then bring all these countries under the lap of your reforms and civilzation. It is the biggest of all questions and requires more thought than what has so far been paid to it by the Honourable Members, who have spoken on the subject. I should like to know what similarity of ideas, races, thoughts, civilisations or customs there are which form the nationality of a country!! I am as much an Indian and wish to be so, as anybody on that side of the House (Laughter). As a matter of fact when I was in America, I readily responded to the call of a Hindu; when anybody asked me whether I was not a Hindu, I said that I was a Hindu (Laughter.) Every man going from India to a foreign country is a Hindu, but when he comes back to his own home, he gives up that word and calls himself a Bengali, a Burman or a Punjabi, and so on! I do not mean that we should not Indianise the Indian Army. But what I should like is that we should first Indianise our minds. We should

change our thoughts, our minds, our ideas and various other things. We should first get over the various differences that exist in the country, not the climatic differences, but differences of nations of nationality and of languages and thoughts and various other things, not to speak of communal differences! It is rather dangerous to talk of communal differences nowadays, because we are now engaged in a conference where we are trying to remove those communal differences and we hope that we shall succeed soon So, before I proceed further, I should like to have a definition of the words "India" and "Indian".

Mr. President: Order, order. The question of definition of "India" or "Indians" does not arise The question before the House is that the recommendations of the Skeen Committee be accepted by the Government (Laughter and Hear, hear.)

Nawab Sir Sahibzada Abdul Qaiyum: But, Sir, the recommendations of the Skeen Committee are based on the Indianisation of the Indian Army I want to know the meaning of the words "Indian" and "Indianisation"

Mr. President: The Honourable Member must put this question to himself. (Laughter) He has put his signature to the Report.

Nawab Sir Sahibzada Abdul Qaiyum: I have put this question in this manner to myself but I cannot make out a satisfactory reply. Perhaps my Honourable friends on the other side will deal with the question more thoroughly. Those of my Honourable friends who have studied the question more thoroughly and who have tried to master it will I believe, do better credit to this question. I must confess that with my poor abilities I have not been able to solve it or to come to any definite conclusion over it.

Sir, I will not dilate on this subject any further, but will revert to the Report itself. The Report was signed in November last and we were then in a somewhat better position than we are now. We have not got a huge army with which we can afford to make experiments! The Army that we have got is just enough to guard our frontiers and keep internal peace. That is all that we have got so far. We had two other means of keeping the peace within the country, one was by the influence of the leaders and the other was by means of the police force, but I am sorry to say that the influence of the leaders has of late deteriorated so much so that they can hardly get out of the communal bias As regards the police, I have not seen a single case of riot enquiry Sir, where the police have not come in for criticism, either from one or the other community. The confidence of the country is practically lost in the police and it is now of no great value to us. Now the only thing left is this well disciplined Indian Army, which has shown itself fire-proof against communal bias and influences. If the Army is also affected or tampered with, by the introduction of not very highly disciplined officers I think we shall soon lose confidence in the Army also. At present, as I have said before, we want the Army only for the internal safety of the country; because I am not one of those who are ever afraid of the foreign invasion bogey. I think India has not had a more stable or safe time than she at present has. It is because we have now got an independent neutral country between us and the inimical Russia, to which my Honourable friend Rai Sahib Harbilas Sarda has referred. That neutral country is not likely to allow, if it is in its power, the Russians to pass

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through their country whether as friends or foes It would be practically ruining their own country if the Afghans were to allow the Russians, even as friends, to pass through their country. Things were rather different when the Government of India had the responsibility of defending the so-called Indian borders on the Oxus At that time we were responsible for the safety of the Afghans but now they are a free people and if able to look after themselves, they will not be so foolish or unwise as to allow even a friend to pass through their country. There is a proverb in Pushtu, my mother-tongue, which says that a lashkar of even friendlies is not to be allowed in one's house, because if you allow them they will surely plunder your house As to the Afghans themselves invading India they are unable to do so and their attempt in 1919 was, to my mind, mainly due to an invitation from certain Indians, chiefly non-Muslims, to help them in their troubles with Government

Mr. President : The Honourable Member has already taken twenty minutes. I hope he will now bring his remarks to a close.

Nawab Sir Sahibzada Abdul Qaiyum : Thank you, Sir The speech of the Honourable the Mover has brought in so many delicate questions of nationality and nationalisation that I could not avoid the temptation of saying a few words on those points. One of the remarks—and this will be my last word—one of the remarks, which the Honourable the Mover made was that the British Government had not done much towards creating a national spirit in the country, as he would like to have seen introduced in the country I should have thought that the British had done most of all They have tried their best to introduce nationalism, unity and uniformity of laws and customs, into a country like India, which before their arrival was divided into small communities and principalities. The first step they took was to do away with the Sati and various other customs But a foreign Government cannot go so rashly as Lenin in Russia and Kemel in Turkey and bring about very fast nationalisation Have they not encouraged the Boys Scouts movement and allowed Sangatons and Tanzims to prosper ? But they are naturally anxious not to disturb the feeling of any section of the community—not even by Dr. Gour's Bills Dr Gour has been introducing many social Bills but even there the Government have been always anxious not to hurt the feelings of any community The whole lot of Honourable Members on the other side are the products of the nationalisation and national spirit of the present regime ; and we can boast of men like Mr. Jinnah whose whole community cannot divert him an inch from his national ideals, however strong may be the efforts of those who try to persuade him the other way. Similarly, I have got great admiration for Mr Jayakar, who is ready to send all religious cranks to the lunatic asylum, since they are an impediment to the progress of the country. Not to speak of Honourable Members over there who, I am afraid, are a little too far advanced, even beyond nationalism and will go precipitously down-hill !

To come to a conclusion, Sir, I think a good deal has been done by the British Government in making up a nation of all the races of India, bringing them into one line of action (*Cries of* ' no ') but I am sorry to see that the goal before them, they think, has to be reached

through European clothes and European education. If this is going to be the way by which they are to reach the goal, they must wait patiently for centuries before all these various kinds of dresses are changed into one uniform suit and before the thirty crores of people adopt one uniform language. That surely will bring about a nation, but if they can settle upon one language and upon one dress for the whole country all at once, things will go on much faster.

Sir, as I have said, the Army should be the last thing to be meddled with. Go on faster with Indianisation in other departments but not in the Army itself. You have got another scheme before you—the Territorial Forces scheme or the Auxiliary Forces scheme ; go on with those schemes province by province ; raise the tone of those Forces and make them a second line of defence and you will have learnt the art of soldiering and the art of defending the land. But this little army is too precious to be played with Do not weaken it by bringing faster Indianisation into it.

My final recommendation is this : send your youngsters across the seas, to heaven or hell wherever you wish, but keep them away from the present very dirty atmosphere in the country ; they should be free from your own present day sentiments, so that when the time comes the new Hindu element in the Army may prove itself as reliable against its own coreligionists on the North-East Frontier, as the Muslim element has invariably proved itself on the North-West Frontiers of India and elsewhere.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair

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Mr. Rajivaranjan Prasad Sinha (Patna *cum* Shahabad : Non-Muhammadan) : Sir, I am grateful to you—I am very grateful indeed—for allowing me, a new Member, an opportunity of taking part in this very important debate. Before I proceed further, I should like to congratulate the Indian Sandhurst Committee on the valuable Report which they have produced. I congratulate them, Sir, not merely because the Report is flattering to Indian self-respect, but because the Report vindicates that self-respect It vindicates Indian public opinion which has always held that if Indians have been debarred from taking up the defence of their country it is not because of any inherent inferiority which attaches to them, but because of the policy of distrust and deliberate exclusion of Indians from the higher ranks of the Army which the British Government have pursued in the past, and which they are pursuing even to-day, in howsoever modified a form. Sir, the Committee rightly observe that there is no lack of good potential material for the army in this country, and if the Government have not succeeded in reaching it or in utilising it, it is because of the defects in the method of selection, lack of publicity and suitable propaganda, and also because of the defects in the educational system of India which—the Committee might have added with truth—the Government have shown no active desire to remedy or

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rectify. And why ? Because the Government have deliberately followed the policy of exclusion of Indians from the higher ranks of the army of their country.

Sir, when the War broke out and Government found themselves in a difficulty, they created ten vacancies for Indians at Sandhurst. Mind you, Sir, they did not do it at the beginning of the War, in 1914 or 1915. That would have been too premature. They took full four years to do even that When the difficulties of the War increased and they were faced with a critical situation, they hastily set up a number of military colleges in India and reserved ten seats for Indians at Sandhurst. When the war was over, the military colleges disappeared, but the ten seats reserved for Indians remained and they remain to this day Sir, the ten vacancies are still there, and there has not been a single addition to that paltry number during the nine years which have elapsed Government think, Sir, that they have made a great concession to the people of India in reserving these ten seats for them They gravely complain that the people of this country have not shown a proper feeling of enthusiasm over this great concession, that young men have not come rushing from all parts of the country to compete for these ten prizes. I am afraid, Sir, there is something seriously wrong with the mentality of the Government. They betray the same mentality when they set up the sham of a responsible Government and call upon Indians to declare that it is real and not sham. Sir, some of us are hypnotised into believing that it is the real thing, while others stoutly refuse to take the shadow for the substance and Government, Sir, are surprised. They are surprised at our lack of enthusiasm for the sham commodity and insist that unless we took that for the real thing they would not give us the real thing. Sir, Government may have succeeded in effacing their sense of humour or, at any rate, in subordinating it by some miraculous process to their imperialistic instincts, but they should not be surprised if they find that Indians have still got some sense of humour in them Therefore, Sir, I am glad that the Committee have come to the right conclusion that the real reason why Indians have not exactly enthused over these ten seats at Sandhurst lies in the extremely limited and narrow scope of the scheme for Indianisation which has been put into operation. Sir, the Committee proceed to make certain definite recommendations for remedying this state of affairs. They recommend that ten vacancies should be further reserved for Indians at Sandhurst making a total of 20 vacancies available for Indians and they recommend that this number should be progressively increased till by 1952 half the total cadre of officers for the Indian Army are Indians. They further recommend that an Indian Military College should be established in India in 1933, and they make other subsidiary recommendations. Now, Sir, there may be differences of opinion in regard to the details of the scheme, but I think I am not wrong in saying that Indians of all shades of opinion are agreed that the main recommendations of the Committee should be accepted and duly carried out. Sir, I am aware that there are many amongst us who feel that the pace of Indianisation recommended in the Report is too slow—I myself feel that the pace is exceedingly slow—but we hope, Sir—it may be a vain hope—but nevertheless we are hoping—that by the time the whole scheme comes up for review in 1928, circumstances—which we cannot

foresee at present—may have shaped themselves in such a manner that Government may be willing, nay, even eager, to accelerate the pace of Indianisation. That is our hope, Sir, and inspired with this hope we are prepared to accept the recommendations of the Sandhurst Committee. And there is a further reason also. We do not wish to give Government the excuse for saying that the unanimous recommendations of the Indian Sandhurst Committee have not been acceptable to the Indian people themselves. This, then, is our position with regard to the main recommendations of the Committee I do not wish to deal with the subsidiary recommendations Honourable Members who have given notice of certain amendments will deal with them and I dare say more comprehensively than I can.

Now, let us see, Sir, what the Government have got to tell us in regard to the main recommendations of the Indian Sandhurst Committee. They have already attached a foreword to the Report, an ominous foreword which, if anything, is meant to damn the Report in anticipation They tell us that the problems of recruitment and training of King's commissioned officers are essentially an Imperial concern and any proposals reacting on them must be closely scrutinised by His Majesty's Government and their Military advisers The Noble Lord, our brilliant Secretary of State, further tells us that the whole scheme must be examined by a Committee for Imperial defence. Sir, Government, when they tell us these things, expect us, I fancy, to be impressed—to be properly impressed—by these weighty observations. But, Sir, we fail to get impressed—we may be stupid—but we cannot feel impressed by such pronouncements. And for this reason, the Indian Sandhurst Committee have made no revolutionary proposals They do not seek to upset the existing organisation of the Army They do not propose to reduce a single unit of the Army or for the matter of that, a single commissioned officer or non-commissioned officer. The strength of the Army remains untouched ; the number of commissioned and other officers remains the same ; the number and strength of the troops remain the same as at present. All that they propose is that a certain number of duly trained and duly commissioned Indian officers should take the places of European officers, and the number of such Indian officers should be progressively increased till a certain proportion is reached. Now, I take it, Sir, that a commissioned officer is a commissioned officer, whatever be the pigment of his skin It is not proposed to put in untrained Indians. It is not proposed to make a certain number of commissions available to the Members of the Indian Legislature who are unfortunately fit only for politics and for nothing else. The proposals of the Committee simply mean that Government should allow a certain number of Indians to receive military training to qualify themselves for service in the Army of their country They mean that the Government shall not keep the door shut in their faces, that they shall open it—not very wide but just a little bit wide—and allow Indians to enter and receive military training—to submit themselves to whatever rigorous tests of training Government might be pleased to impose, keeping the standard of efficiency as high as they please—not lowering it by an inch, by an iota—and when the Indians have been so trained, when they have successfully passed all the tests of efficiency, then they should be commissioned and allowed to serve in the Army of their country. That, Sir, is the proposal of the

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Indian Sandhurst Committee in a nutshell and yet, Sir, we are treated to all this talk about Imperial defence, to the necessity of gauging the exact extent of the reaction, the repercussion, which these revolutionary proposals are likely to have on problems of Imperial defence Sir, Indians are not lacking in ordinary intelligence and can see through this maze of empty and high-sounding words the real hitch, the real difficulty which is troubling the Government here as well as in England. The real difficulty is that Government are unable to make up their minds to allow Indians to qualify themselves in increasing numbers for the higher military service of their country They are unable to shake off their distrust and prejudice so as to allow limited, a very limited, number of Indians to qualify themselves for military service and serve in the higher ranks of the Army of their country. Sir, this is the real hitch and no other. And yet, Sir, and yet, the British people aspire to remain an Imperial power, to maintain their supremacy over numerous races and communities inhabiting this vast Empire Let me tell them, Sir, that racial prejudice and Imperial ambition cannot go hand in hand—cannot subsist together. Sooner or later, they will have to give up this prejudice or Nemesis will surely overtake them Sir, they have simply got to make up their minds and not go on eternally fencing with words which deceive nobody I hope that they will make up their minds without undue delay and accept the recommendations of the Committee Let them accept the inevitable with a good grace, but if they do not do that, I know what the verdict of history will be The inexorable verdict of history will be that the great British nation, in a moment of stress and difficulty, promised India to set her on the road to responsible government, but when they had emerged from the crisis, they faltered and wavered , they had not the courage to carry out all the implications of the policy which they had announced with a flourish of trumpets Sir, this will be the verdict, because after all, Sir, it is really a question of moral courage It does not require much courage to subdue a nation, to disarm and emasculate and reduce a great nation to a helpless condition But it requires far greater courage—at any rate, it requires courage of a very high order—voluntarily and willingly to remove the shackles, the disabilities which you have imposed upon that nation. I hope, I fervently hope, that the British nation, the great British nation, will not be found lacking in this high moral courage Sir, I support the amendment moved by my Honourable and esteemed friend, Mr Srinivasa Iyengar. (Cheers.)

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : I really do not know how I should start to deal with this question. But to begin with, I congratulate His Excellency the Commander-in-Chief ; at the same time, I sympathise with him and I share his regret Sir, I congratulate him for the statement which he made in his speech, and I am very glad that he made the position clear, with regard to one matter at least. That statement was this :

"*They are prepared to face those issues, and they are prepared to give information regarding their policy after having due time for consideration*"

In other words, His Excellency the Commander-in-Chief made it clear that the question of the appointment of the Statutory Commission had nothing whatever to do with the consideration of the Report of the Sandhurst Committee. The Government of India are, therefore, prepared to face the

Report and deal with it. Well, Sir, I congratulate him, to that extent it is a matter of some satisfaction. But may I ask His Excellency that he will do his utmost and not swerve from the statement which he has made on the floor of this House, and that he will pursue the matter vigorously and earnestly and leave no avenue unexplored until he has got the decision on the Report of the Sandhurst Committee? Sir, I sympathise with him and I share his regret, because he himself says in his speech as follows:

"I had hoped that to-day I might have been able to give this House some information as regards the policy of the Government in this matter. It is to me a matter of great regret that I am unable to do so."

And we all know, and he made it very clear at the end of his speech, why he is unable to do so. He said:

"The Home Government, as I have already said, have not yet had time to formulate their opinions, and surely it will be best if they are not asked to do so in hostile atmosphere."

Then he proceeded to say that he would certainly welcome the opinion of the Members of this House. He concluded as follows:

"I trust that this Resolution may not be pressed If pressed, the Government of India will have no other recourse than that of opposing it for the reasons I have given. But I am rather hoping that the present event may be regarded more as an opportunity for Members to state their opinions than as an attack upon Government."

I am glad that he recognises that the Members of this House should express their opinions. At the same time he asks us not to put this Resolution to the vote. May I appeal to His Excellency to consider how any House, any organisation, and particularly the Legislature, is to express its opinion except by votes recorded on a division? Therefore I cannot understand why the Commander-in-Chief says that we should not press this motion to a division Sir, the opinion of this House can only be ascertained collectively by recording votes I will therefore urge upon the House that it should take a division on this question and let us express our opinion whether we are in favour of Mr. Srinivasa Iyengar's amendment or not.

Having said so much, I come to my next point and it is this. The Government position is a *non possumus* one. They say: "We have not come to any decision and we can therefore say nothing" Therefore as one of the signatories of this Report, what can I say? I can only say to the House that in the absence of any ground or any reason which may be put forward against this Report you must accept this Report What is the objection to this Report? The only objection I can see has come from Colonel Crawford. I was amazed at the speech he made Not only was I amazed but I wondered, when I was listening to him, whether he was really representing the better mind of the Europeans even in this country. Then came the speech of the leader of the European group. He came to his rescue and his pronouncement, I may say, has regained to a certain extent the shattered reputation of the European party in this House. The leader of the European group spoke not only his mind and that of his party but of his people outside who belonged to his race or community or caste; I don't know which It was somewhat halting, hesitating It lacked spirit. It had no enthusiasm of any kind and it merely said: "Well, the Report is there The Government have not come to any decision as to their policy. Therefore Europeans in this country must cease thinking

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until the Government have made up their minds ". He had no opinion to express. Sir, the Europeans express their opinions strongly, loudly and vociferously when their particular interests are concerned, but this is to them a matter of no consequence at all. The other criticism that came from any quarter at all was a suggestion, " Don't play with the Army " – a fine phrase indeed which conveys many things. But may I ask whether the Government wishes to continue to play with the people of India ? Now, Sir, the policy of the Government has been laid down as far back as 1918. The Government of India laid down the policy of admitting Indians to the King's commissions in the Army in India and Indianisation of the officer ranks. The Army in India, as the House knows, is not an Indian army at all. They are His Majesty's Forces stationed in India The policy was first initiated in 1918. That policy has never been repudiated, but on the contrary, over and over again, it has been affirmed in this House and even in Parliament by the Secretary of State. That policy was that you must Indianize the officer ranks of the Army in India. And, Sir, as my friend Munshi Iswar Saran pointed out, the question was raised in the first Assembly in 1921 and again in 1923 Then, as he pointed out, Resolutions were accepted by the Government. One of the parts of one Resolution was with regard to the establishment of a Sandhurst. Since 1924 I have had the honour of standing on the floor of this House and addressing the Government. I had pointed out in the very first year, in 1924 to Lord Rawlinson, that giving us 10 vacancies at Sandhurst is not playing with the Army but playing with the people of India. To say that 350 millions of people in this country cannot give you 10 boys who can be considered suitable and fit for King's commission is, I say, an insult to the intelligence of this House What was the plea in reply put forward ? " We cannot get suitable candidates ". Well, how is that matter to be decided ? We pressed and we pressed, and in 1925 this House passed a Resolution for the appointment of a Committee and it was after great pressure had been put upon the Government by the non-official Members on this side that Sir Alexander Muddiman made a declaration in March 1925 that the Government would appoint a Committee The policy was—and I do not want the House to forget it—to accelerate the Indianization of the officer ranks of the Army in India. Those were *inter alia* the terms of reference to the Committee. The next question was whether we should supplement the British Sandhurst or whether we should establish a Sandhurst in India The Committee therefore proceeded to investigate. And what is the position now ? The position is this. You have got this report consisting of 64 pages And may I ask the Commander-in-Chief what justification there is for him or the Government he represents suppressing and not making available to this House and to the public the materials collected by the Sub-Committee in England, in France, in America and in Canada May I ask him on what ground he can justify it ? I may say on the floor of this House that, barring the evidence of the Indian cadets, no witness claimed any privilege or stated that he would give his evidence in camera. No such stipulation was made by anybody, either by official or other witnesses, nor by any of the authorities concerned, and I cannot understand on what ground the Government can justify the suppression of those valuable materials which were collected in those four countries. Sir, it is not doing justice to this House to ask this House to deal only with this Report without placing the materials before them on which it is

based The findings in this Report are entirely based on the materials and the evidence which were collected both in this country and in those four countries that I mentioned. Even the evidence recorded in this country of numerous witnesses that were examined is not placed before the Honourable Members. I am sure if the Commander-in-Chief would kindly read the evidence recorded—I mean the evidence of educational authorities—if he had read it he would not then have said as he did say that Mr. Das, the Law Member, was engaged in establishing a public school which would help us a great deal to solve the problem. I will read his words. The Commander-in-Chief said :

> "In this connection I would like to refer to the efforts being made by one of my Colleagues, the Honourable M
> is making the greatest efforts
> sincerely trust that his efforts
> wholeheartedly in the matter,
> we should have overcome the first of the many very great difficulties in the problem."

Now, Sir, I do not want to be misunderstood. I wish my Honourable friend, Mr. Das, every success, and I do not want to be misunderstood. But, Sir, is this problem going to wait until Mr Das establishes a public school, and then only it will be solved ? Is that the interpretation, is that the reading, of the voluminous evidence of the educational authorities and the Sandhurst Committee's Report ? Surely, Sir, it is obvious · you have only got to see what the recommendations are. The recommendations are shortly these At present you have got ten vacancies The recommendations are that they should be doubled ; and mind you, even the Army Council is not opposed to it. They say "5 per cent. of the establishment", which means 20 per year. Now we want 20 suitable boys—we want only 20 suitable boys—in the year 1928 · and does the Commander-in-Chief suggest, do the military authorities suggest, that you cannot get 20 boys in the year 1928, and that you must wait until Mr. Das establishes his public school ? (Laughter) Then what is the revolutionary change that we suggest later on ? "Increase it by four per year" : and we get to 38—mind you—in 1933. In 1933 we only get as far as 38 vacancies You mean to suggest that you cannot get 38 suitable boys in the whole of this Continent ? And must we wait for Mr. Das's public school ? Sir, the Committee, remember, were considering the development of the educational system, the co-ordination of the educational system and the co-operation of the educational authorities and the educational organizations, with what object and effect ? A Sandhurst which will be established in India, because, when you establish a Sandhurst or a military academy in India, the Committee then were considering that this military academy of yours, when established in India, will meet with much greater success, and there will be a greater competition, and the finest material will come up for admission to this institution in India , and it was in order to spur, in order to give the impetus to that object in view that the Committee have made those recommendations. You can, by developing your educational system in this country on the lines laid down in their Report, produce the finest material that you can find anywhere in the world. It does not mean that we have not got sufficient material now or that it would not be forthcoming Therefore, Sir, Colonel Crawford and probably the Commander-in-Chief, have in mind the system of public schools. I know the conservative British mind, and I do not blame them if they

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cannot get rid of it from their heads, that the only method in this world by which you can get suitable boys for a military career is the public school system. Now let me tell the House, Sir, that there is no public school system either in America or in Canada or in France or in Germany or any other country that I know of. Now this is a matter which was very carefully considered, and an enormous amount of material was collected on this point, which of course neither the House nor the public has before them.

Now, Sir, this is one part which is made much of and not correctly represented. If you look at the scheme, what will happen at the most will be this: that in 1933 we get as far as 38 vacancies. Later on, no doubt the number goes on increasing, but even then the highest number, recommended as detailed in the Appendix, will not be more than 125 Indians after 25 years in 1952.

Now, Sir, we come to the question of British recruitment. We are told by Colonel Crawford who seems to be a great authority on the subject—I do not know how he gets all this information, probably he gathered this information at some club when he was in London last—that the British youth refuse to come out or will refuse to come out if the recommendations are given effect to. Colonel Crawford, Sir, is the messenger of the British youth and he has brought this message to this House and to India that the British youth refuse to work either in co-operation with or under Indian officers in the Indian army on their merits. Is that a message of the British youths to India? What does he mean by saying that birds of the same feather flock together? What did he mean by suggesting that we should start a Dominion Army which will be entirely Indian? What did he means by championing the 8-unit scheme? With regard to this 8-unit scheme, if he [illegible] t is true that due to the [illegible] material before him—, h [illegible] lian commissioned officers who objected to this 8-unit scheme, but every British officer commanding the regiments condemned it altogether. (Applause.) There was not a single witness who did not condemn it. When we went to England, the War Office even could not give us any convincing reason why this 8-unit scheme was brought into force. It was due to the decision arrived at by the British Cabinet and the Cabinet, I am informed, consults what is called the "Imperial Defence Committee." Now, Sir, we have fully dealt with the 8-unit scheme and our objections are to be found in the Report. But how was this 8-unit scheme exploited? It is to be found in the kind of lectures, a specimen of which we have annexed to this Report. Who gave this lecture? It was given by an officer. And who is this officer? He is an officer in the India Office and he goes to Sandhurst and tells the British youths that they will never have to serve under Indians and that is why this 8-unit scheme was started. It was a misrepresentation; it was misleading; it was poisoning the minds of the British youth. And Colonel Crawford is now the messenger who says that you cannot expect the British officers to accept your social conditions. What does he mean by social conditions? What has the army officer got to do with social conditions?

Colonel J. D. Crawford (Bengal : European) : Live in a mess and see.

Mr. M. A. Jinnah : Live in a mess and drink ! (Laughter.) What do you want him to do, to have a drink ? Well, he is quite capable of that. Have you not got 44 Indian King's commissioned officers in the Army to-day ? Even Sandhurst—do they not share mess life ? Sir, I again say : read the evidence and I ask the Government to produce that evidence. Publish it.

Why did you not publish it ? If you read the evidence, you will find that there was not a single European officer to whom this question was not put. Every European officer was asked whether he was getting on well with his colleagues the Indian commissioned officers. There was not a single European officer who said that he was not getting on well with his colleagues or with his subordinates. They had nothing to complain of. Then the Indian commissioned officers are on the most friendly terms with the British officers and get on very well with them. They have got the greatest affection and love for some of their colleagues What is the good of saying, segregate the Indian officers from the British in the Army ? I am surprised that we should be told to-day on the floor of this House by no less a person than my Honourable friend that he has a brand new scheme which would solve this problem I ask my Honourable friend Colonel Crawford where was he when the Sandhurst Committee was sitting in India for 8 months and recording the evidence and views of various people ? Colonel Crawford was in India. Sometimes he was next door to the room in which the [illegible] even came into the room in w[illegible] Where was he then ? Why d[illegible] scheme which he has now pu[illegible]

Colonel J. D. Crawford : I addressed a letter to the Skeen Committee.

Mr. M. A. Jinnah : Why did he not put forward the scheme that he brought before the House in his speech the other day ?

Colonel J. D. Crawford : I was not allowed to do so

Mr. M A. Jinnah : Who prevented the Honourable Member from doing so ? Well, Sir, this is the spirit of some which really brings discredit to the Europeans in this country (Applause and Hear, hear.) Well, Sir, you have a man of the position of Colonel Crawford, a Member of this House, connected with the Military, a man with very wide experience, and yet he never came before the Sandhurst Committee, never cared to attend any of its meetings, but he now comes up here with his wonderful scheme (Laughter.) What is his scheme ? I say that his scheme is absurd and impracticable I know I shall be told that I am a lawyer and what do I understand about military matters ? I admit I am a lawyer. But, Sir, may I draw his attention to the paragraph in the Report which certainly bears the signature of one of the greatest soldiers in India, Sir Andrew Skeen. Certainly there were on that Committee two commissioned officers holding the rank of Major, and there were also two Viceroy's commissioned officers on that Committee. What do they say about this ? They all agreed to the proposals made in the Report. My Honourable friend Colonel Crawford says : ' Why don't you train up Indian officers '. He says that by that means the Viceroy's Commissioned officers can become

[Mr. M. A. Jinnah.]

King's commissioned officers What does my Honourable friend mean by that ? I have great admiration for the Viceroy's commissioned officers ; they are brave men, they are heroic men, they have shown their mettle in many a battle front. I must not be misunderstood when I say that there are inherent difficulties in the way of Viceroy's commissioned officers becoming King's commissioned officers. Generally, a man becomes a Viceroy's commissioned officer at the age of 40 or 45 He generally has to rise from the rank of a sepoy who has no education.

Colonel J. D. Crawford : Sometimes.

Mr. M. A. Jinnah : No, Sir. It is only now that we are making an effort to have them more or less educated to a certain extent, but it is merely elementary education with which they are equipped. Most of them can hardly read or wri[illegible] ort men with some education [illegible] Colonel Crawford ? To prepar[illegible] Think of a man at the age of [illegible] ? Are we to send him to sch[illegible] l and is able to get the King's commission, he will be 50. By the time he becomes a Captain, he would have come to the fag end of his service and would be made to retire from the army. He will never have an opportunity of becoming a Major or a Colonel, and certainly never a Lieutenant-Colonel which takes over 26 years of service

Colonel J. D. Crawford · My exact words are these

"Instead of taking the men from the ranks at a very late age in life after 15, 16 or 17 years' service, I think I would have taken them after about 4 years' service."

Mr. M. A. Jinnah : My Honourable friend Colonel Crawford forgets how old a sepoy will be when he is recruited He is perhaps assuming that he will be 16 or 18 years of age when he is recruited as a sepoy Why should he assume that ? Even granting that he would be 18, here is the absurdity which I would point out to my Honourable friend who claims to be the military authority Whom will you get ? A poor sepoy's boy. No man is going to join as a sepoy on a paltry pay of Rs. 17 if he has any guts in him and better prospects You will get a man who is the son of a poor man, you will get a man who cannot find a paying occupation anywhere else How can you expect a boy of eighteen who is a matriculate to join as a sepoy ? What kind of boy would you get then ? What education can you give that boy ? Then this boy is to remain in the Army as a sepoy, according to Colonel Crawford. He enters the Army at the age of 18 Then after 5 years you give him the Viceroy's commission. Why ? What will he do with the Viceroy's commission ? For 5 years he has to remain as a sepoy before he gets a Viceroy's commission , and what has he to do thereafter ? To prepare for his studies to qualify himself to obtain a King's commission It is the most fantastic, absurd and ridiculous scheme to be proposed by anybody.

And, Sir, what is more we have dealt with the idea which is not new. If you turn to page 32, paragraph 28 We have shown in our Report the greatest solicitude and the utmost consideration for the soldier class and their sons. We have provided for them in various ways. Sir, one of the provisions comes under the heading of Grant of King's Commissions

to Viceroy's Commissioned Officers. This is what we say: you have non-commissioned officers in England who are occasionally imported into the commissioned ranks for their exceptional merits. Similarly, we say that Viceroy's commissioned officers should stand on the same footing as non-commissioned officers, and we recommend that Viceroy's commissioned officers should be given opportunities of qualifying for King's commissions analogous to those afforded to non-commissioned officers in the British Army. We considered this to be feasible and have laid down how a certain class and a certain number, selected for the purpose, may be given that opportunity. And we say that we recognise that at the present time the number of officers holding Viceroy's commissions who would satisfy the above conditions is small, the reason being that direct Viceroy's commissions are now seldom, if ever, granted, and that the standard of education prevailing among the classes which enlist in the ranks of the Indian Army is, as a general rule, very low.

Mr. President : I do not wish to interrupt the Honourable Member at all because I know this is his special subject and he is entitled to much greater latitude than others ; but if his desire is that the Resolution should be pressed to a division to-day, he must conclude within five minutes; otherwise the Resolution must go on to the next day.

Mr. M. A. Jinnah : I am much obliged, Sir. I have really practically finished I have dealt with education ; I have dealt with Colonel Crawford's scheme ; then I have dealt with British recruitment. These are the three matters with which the House is really concerned at present.

Now, Sir, I will only say this. I have got two more points which I want to put to His Excellency the Commander-in-Chief. The first, Sir, is this I ask the Commander-in-Chief what has he done with regard to the question of the official guardianship at Sandhurst ? Question No. 1. Question No 2. I ask him what steps have the Government of India taken with regard to the question of admission of Indians to the Officers Training Corps at the universities? Sir, those are two matters which have nothing to do with high Imperial policy and they do not require, I take it, the consent or the approval of the Imperial Defence Committee. At any rate, so far as the guardianship is concerned, Sir, the House knows already that we have dealt with it. The present guardian, Colonel Stooks, is a man who has been proved beyond all doubt to be a hysterical, unsuitable and incompetent person. Now, the Committee have said that the present arrangements with regard to the guardianship are highly unsatisfactory Of course it is put in very polite language. But if you could look into the record, which is still suppressed, you would have realised what sort of guardian Colonel Stooks is It is not merely that the Sub-Committee discovered it there. Let me tell His Excellency the Commander-in-Chief that complaints about him came before the main Committee before the Sub-Committee started, which have affected the good name of Sandhurst in India, and they were so serious that the main Committee actually formulated express instructions in writing for us on this matter, and when we went there the reports and information we already had were fully confirmed beyond doubt , and I would like to know what steps the Government of India have taken with regard to that matter.

As to the Officers' Training Corps also you know that no Indians are allowed or admitted to the Officers' Training Corps of the universities there.

[Mr. M. A. Jinnah.]

It was pointed out that it was not fair and we have not yet got a reply to it. It is dealt with in our Report also—that this works the greatest possible hardship In the first place the Indian who is at the university if he wants to get a King's commission, will not be allowed to claim an ante-date because, unless he has had training in an Officers' Training Corps, an Indian is not admitted and then refused the ante-date. So it comes to this that he is not admitted into the Officers' Training Corps, he is not allowed to claim an ante-date. Therefore you go round and round. That is one handicap The other handicap is that when you have a boy of a particular age, at the university, that is the period of his life when this training is most useful and most valuable ; he happens to be young and at the university and he is not allowed to enter the Officers' Training Corps. Therefore, when he comes back to this country at a maturer age, he cannot possibly then go in for the training with the same advantage and with the same valuable results and cannot avail himself of the Indian Territorial Force which exists. It was said that the Officers' Training Corps is intended primarily for the British Territorial Army, but no Indian would care to be in it because I think there is hardly any Indian youth—there may be an exception here and there—who would stay on in England ; most Indian boys who go there come back

These are the two points which certainly do not require either the approval or the consent of the Imperial Defence Committee or of the Cabinet ; and I think the Government might give us some information with regard to those two points.

In conclusion, Sir, I would say this · I am aware that a certain clique exists in England. The India Office is surrounded by it and the only place that we went to and that had its atmosphere fouled by this clique was Sandhurst. At every other place we were received and treated with every consideration , Sandhurst was the only place which was sought to be spoiled by this clique ; and I say to the better-minded Europeans who are in this country and to the better-minded Englishmen in Great Britain, "If this is your message from your youth, that they are not willing to co-operate, if they are not willing to work and take their rank according to their merits in this country, tear up the Declaration of August 1917 , tear it up now and here and say to the people of India " We are here to rule and nothing else " Sir, I find there may be some difficulty because it may be said after all you have got to deal with young men. But who is responsible for poisoning their minds ? It was the same old story when the Indian Civil Service was being Indianised, when we were told in this country by many who now sit on the Treasury Benches " If you are going to Indianise the Civil Service, we shall tender our resignation ; we are not going to be your servants ". It was the same story when the Montagu-Chelmsford Reforms were introduced. We were told by many Englishmen that they would leave this country rather than submit to these reforms as they could not work the Reforms. But we find, Sir, we have survived those threats. (Laughter from the Swarajist Benches), and I find that the Treasury Benches are full of those gentlemen some of whom probably had threatened to resign, but they probably thought better of it. (Laughter from the Swarajist Benches). But, I say, Sir, let us not be carried away by these threats......

Mr. President: Order, order. The Honourable Member must thank himself if this debate goes over to another day.

Mr. M. A. Jinnah: After that, Sir, I will say nothing more, and I will once more appeal to His Excellency the Commander-in-Chief not to swerve from the assurance which he has given on the floor of this House and not to play with Indian people any more.

(At this stage several Honourable Members rose to speak.)

Mr. President: Is it the desire of the House that the debate should go over to another day?

(*Several Honourable Members moved*: that the question be put.)

Mr. G. M. Young (Army Secretary): Sir, on the first day of this debate His Excellency the Commander-in-Chief, when concluding his speech in words that have just been quoted by my friend Mr. Jinnah, expressed the hope that the occasion might be regarded more as a means of eliciting the opinions of Honourable Members of this House than as one for an attack on the Government. With all deference to my friend Mr. Jinnah, I venture to repeat that hope to-day. If the Honourable Member who has moved this Resolution presses it to a division, Government will have no option but to oppose it, and that for reasons which are not connected with the merits of the Indian Sandhurst Committee's Report. It is true, Sir, that Government have already sent to England their own provisional recommendations on the Report. They did this as soon as they could, partly in order to initiate the discussion with His Majesty's Government as soon as possible, but more particularly in the hope that they might be able to put definite proposals before this House during the current Session. They realised that Honourable Members would be in a better position to make their own views clear and to offer constructive criticism, if they had, so to speak, something to bite on. That hope was not, however, fulfilled, because His Majesty's Government were unable, in the short time available before Parliament dispersed, to examine sufficiently the tentative proposals of the Government of India. As a result, Honourable Members have been able to offer opinions on the subject-matter of the Report only, and merely to conjecture the attitude of Government towards it.

As the House has already been informed, these opinions will be very carefully considered by the Government of India, who will then forward to His Majesty's Secretary of State a despatch conveying the proceedings in this House and in another place, and setting forth at length their own views in the light of the opinions now expressed.

Many of the speeches, Sir, have contained constructive criticism, which is likely to be of help to the Government of India and His Majesty's Government in reaching their conclusions. But the Government of India cannot be expected to reach their conclusions here and now, or while the division bell is ringing. Until they have had reasonable time to consider the speeches made in this debate, they cannot commit themselves to the expression of any opinion on the specific recommendations in the Report. They will have to oppose the motion simply and solely because they have not come to their decisions. At the same time, as His Excellency the Commander-in-Chief has indicated, it will be a great pity if the Government of India and His Majesty's Government

[Mr. G. M. Young.]

conduct their further examination of the Report in the difficult atmosphere which a defeat or even a victory for Government in the division lobby is bound to create. It cannot be denied, Sir, that the Report, thorough as it is in many respects, has raised almost as many problems as it purports to solve. It is the Government of India and His Majesty's Government that have to work out these further problems; and they will be glad of all the help that they can get from Honourable Members in the Indian Legislature. They will not obtain that help from the mere passing or rejection of this Resolution. I would, therefore, suggest to my Honourable friend Dr. Moonje, who has moved the Resolution, that he has served a most useful purpose in moving it, by providing the Government with his own views and with those of others who have taken part in this debate, that in effect his object has been attained and that nothing more will be gained by pressing it to the vote.

I should like to refer here, Sir, to a matter which I know has occasioned a good deal of criticism and disappointment and has been referred to at length by my Honourable friend, Mr. Jinnah, just now, namely, the decision of the Government of India not to publish the Report of the Sub-Committee that visited Europe and America.

Mr. M. A. Jinnah: My point was not in reference to the Report of the Sub-Committee only, but the report and the material which they had collected.

Mr. G. M. Young: I will deal both with the report and the material. I will confess at once that there is nothing in this report which need embarrass the Government of India in formulating whatever policy they may ultimately adopt. There are other reasons for not publishing it.

Mr. M. A. Jinnah: What are they?

Mr. G. M. Young: At a very early stage the question arose whether certain of the proceedings of the Sub-Committee should be published. Part of these proceedings consisted of conversations which took place between representatives from the War Office and the India Office on the one hand and the members of the Sub-Committee on the other. It is not usual, Sir, to publish such conversations, and in any case His Majesty's Government intimated to the Government of India some time before the main Committee's Report was completed.

Mr. M. A. Jinnah: Sir, I beg to contradict that. There were no conversations at all and taken down as such.

Mr. President: I cannot allow the Honourable Member to interrupt unless the Army Secretary gives way.

Mr. G. M. Young: I said, Sir, in any case the Home Government intimated to the Government of India that they were unwilling to consent to the publication of any of the material voluntarily laid before the Sub-Committee by the War Office and the India Office. The Report of the Sub-Committee makes extensive use of this material, and could only have been published after so much excision that much of its value as an informative document would have been lost.

There was another reason to which I should not have referred if it had not been made public by a member of the Sub-Committee speaking

in another place, and also by my Honourable friend Mr. Jinnah just now. The Sub-Committee passed certain strictures on the personality of the retired officer who is the appointed guardian to Indian cadets at Sandhurst. These strictures appear to have been based on statements made in camera to the Sub-Committee by Indian cadets. The Sub-Committee were, of course, at liberty to put forward any personal opinion, and to refer to any evidence taken in camera when they reported to the main Committee. But the Government of India do not consider that these matters could properly be published in a State paper. The main Committee took the correct course. They pointed out defects in the system, and explained their view of what an ideal guardian for Indian cadets at Sandhurst should be. Their recommendations were fully considered by the Government of India, and the Government of India have forwarded their own provisional recommendations on this subject to the Secretary of State. But the main Committee did not on this occasion quote from the Sub-Committee; and they refrained altogether from personalities.

There are other passages which the Government of India did not wish to include in a published paper; but I need not detain the House with them. My point is that, while the Sub-Committee's Report was an able document and admirably served the purpose for which it was compiled, namely, to assist the main Committee in the preparation of their report, the main Committee themselves, though they desired the publication of the Sub-Committee's Report, evidently recognised that there might be objections to doing so.

Mr. M. A. Jinnah: No, Sir. May I point out to the Honourable Member that the main Committee at two sittings, after careful deliberation, decided that the report of the Sub-Committee and the proceedings should be published. Then the Secretary of the Committee was directed to so communicate the decision to the Government of India.

Mr. G. M Young. Sir, I have already stated that the main committee desired the publication of the Report, and I have seen the minutes of the proceedings of the main committee to which my Honourable friend refers. But the main committee neither appended the Sub-Committee's Report as one of the annexures to their Report, nor did they invite reference to it. On the contrary, they quoted from it extracts long enough to weary the reader, if he also had the Sub-Committee's Report by him. (*An Honourable Member*: "I hope you have read them.") I have read them, both Sir, the whole report and the extracts. Still, if there had been no positive reasons in the body of the Sub-Committee's Report against its publication, Government might have published it, even though it would have seemed superfluous to do so.

There is one other passage in Sir Phiroze Sethna's remarks which requires correction. He said that I had stated that only one member of the Committee had desired the publication of the Sub-Committee's Report, and that I afterwards corrected that statement. I wish to place on record the fact, known, I think, to Honourable Members of this House, that I never made the statement, and consequently never had to correct it. This misstatement was made, not by me, but by the correspondent of one newspaper, which corrected its own mistake some days before Sir Phiroze Sethna spoke.

[Mr. G. M. Young.]

Well, Sir, I have perhaps detained the House too long over this topic. My excuse must be that it has attracted a great deal of attention and criticism.

Sir, as I said before, Government are not in a position to meet this Resolution except by a formal negative; but if Honourable Members still entertain any suspicion that the Government of India are merely playing for time and that their object is to shelve the Report, I would once more call attention to the fact that Government have already made considerable progress in their examination of it, and that their own tentative proposals will be most thoroughly re-examined in the light of the opinions expressed and the suggestions put forward in the Indian Legislature.

Lastly, I would invite Honourable Members to consider a passage in the much criticised 'Foreword' with which the Report was published by the Government of India. With your permission, Sir, I will read it now.

"The Government of India, when called upon to deal with any scheme of increasing Indianization extending over a number of years must leave themselves free to consider whether the basis of that scheme offers the sure stable line of advance towards the creation of a Dominion Army, or whether alternative methods, which did not fall within the Committee's terms of reference, might not more profitably be explored."

Now, Sir, here is an explicit statement that the Government of India are setting themselves to deal with a scheme of increasing Indianization. They leave themselves free in one respect—to explore alternative methods: alternative *methods*, not alternative *subjects*, as the Honourable Member, Munshi Iswar Saran, said this morning. He may have left himself free in his speech to explore other subjects, but the Government of India intend to stick to the point. Surely, Sir, the passage which I have just quoted is a very significant pronouncement. It shows, if any further proof were needed, that the Government of India are in earnest in this matter. At the risk of repetition, I will emphasise again the two main considerations which must accompany the elaboration of this or any scheme. One is that the system employed for conferring commissions in larger numbers upon Indians must be comprehensive and sound in its working: it should leave no factor out of account: it must be safeguarded, as far as is humanly possible, against failure. The other consideration is one the necessity for which was amply illustrated by my Honourable friend Dr. Moonje in his speech when he moved the Resolution, namely, that during the process of development, and after, the efficiency of the Army as a fighting machine must not in any way be impaired. One may introduce experimental reforms, Sir, in the constitution, or in a branch of the civil administration, and trust to experience and to public criticism to bring to light any defects that there may be. A Royal Commission, perhaps, will come along in due course and make recommendations to remedy those defects. But if one makes a faulty experiment with the fighting forces, on which the very life of the country depends, one may wake up one morning to find that it is too late to put things right. I do not think, Sir, that on the fundamental principle there is any real difference between the aims of the Honourable Mover of this Resolution and those of the Government......

Mr. A. Rangaswami Iyengar : Then accept it.

Mr. G. M. Young :.....and that is why I ask him not to press his Resolution to the vote.

(*Several Honourable Members moved* : that the question be put.)

Mr. President : The question is that the question be now put.

The motion was adopted.

Nawab Sir Sahibzada Abdul Qaiyum : On a personal explanation, Sir. I hope I am not misunderstood that I am trying to go back on the signature that I have put to the Report. I fully support the Report.

Mr. President : I am sure the House has fully understood the Honourable Member.

(*At this stage Dr. B. S. Moonje rose in his place.*)

Mr. President : I hope the Honourable Member realises that there is yet a reply by His Excellency the Commander-in-Chief and that this debate must terminate at 4 o'clock.

Dr. B. S. Moonje : I shall be very brief. I am very sorry that there is no time. So many points have been raised that certainly require explanation and yet I am hard pressed for time....

Mr. President : The Chair has no objection if the Honourable Member wishes to make a long speech.

Dr. B. S. Moonje : I know the risk of prolonging my speech and therefore I will not take that risk. I am prepared to say that I am willing to accept the amendment of my Honourable friend, Mr. Srinivasa Iyengar. He lays emphasis upon revision. The Report also provides for revision. The amendment says that the recommendations of the Committee are not satisfactory. I do not think there is anybody here—except perhaps amongst the European Members I do not know, but amongst at least the Indians—who will be in a position to say that the recommendations of the Skeen Committee are really satisfactory. (*An Honourable Member* : "They also say that.") But they say so for quite another reason. Their point of view is diametrically opposed to ours. There is ample reason for us to be dissatisfied with the recommendations of the Skeen Committee. The Indian Sandhurst is schemed to cater for only 100 Indian boys, while the English Sandhurst caters for more than 600 English boys. Besides the Skeen Committee do not recommend the establishment of an Indian Woolwich and Cranwell. But we Indians are in this helpless position that we have to be satisfied with half a loaf even though that half of a loaf may not be enough to satisfy our hunger. *I do not know whether even that half a loaf will be given to us.*

The recommendations of the Skeen Committee can be divided into two groups, one regarding the establishment of an Indian Sandhurst, and the other regarding making provision for training a certain number of Indian boys in Woolwich and Cranwell in England, and both the groups of recommendations have been accepted by the Government at one stage or another previously. I am really surprised to-day that the Government should fight shy of those very recommendations. If I had time I could have proved it by quoting from the Legislative Assembly Debates of 1921, 1923, and

[Dr B S. Moonje.]

1925. In this House there are three groups of people—the Indians, the Europeans, and perhaps the group which is represented by my Honourable friend, Sir Abdul Qaiyum.

Mr President : The Honourable Member is introducing a very debatable matter now.

Dr B S. Moonje · As I have said in my opening speech, this is a question of life and death to us There is no knowing what is going to happen in the next 10 or 15 years. There is a country which is known as the tribal country, and there is another country known as Afghanistan, and if at any time connection between Britain and India be broken up in any future great war or be suspended, there is no knowing what will happen to the Indians of India When the invasion comes what will be our position I shudder to think. History has told us and we should take a lesson from history as to what that position will be I am quoting from the History of Great Britain by the Rev Robert Henry, D D, first Volume page 120 and then I will close. When the Britons were invaded in 416 A D by Scots and Picts, history records that the conditions of Britons at the time was much the same as ours is at the present moment History says .

"By the policy of the Romans (who were then ruling over Britain as the English are doing to day over India) they (Britons) had been long deprived of the use and exercise of arms , that they now remained a timid disorderly multitude ready to become an easy prey to the first bold invader "

That was the condition of the Britons at the time. I do not think any Indian in this House would agree to be reduced to the same position and therefore we are anxious that the recommendations of the Skeen Committee, halting, unsatisfactory and inadequate as they are, should be given effect to

Lieut-Colonel H. A. J Gidney (Nominated Anglo-Indians) · On a point of order, Sir May I ask for a ruling from you, as to whether you would be prepared to divide the amendment into two parts and put them separately to the vote of the House. The first part is the preamble to which some of us cannot subscribe. The second is the operative part for which some of us may want to vote

Mr. President That is not a question of any ruling. It is entirely within the discretion of the Chair, and the Chair is not prepared to exercise that discretion in the manner suggested.

Mr. President : The original question was ·

"That the following Resolution be adopted ·

'This Assembly recommends to the Governor General in Council that as a beginning in the direction of preparing India for self-defence immediate steps be taken to bring about the Indianisation of half the cadre of officers in the Indian Army, unanimously recommended by the Skeen Committee, within a period of fifteen years, and to carry out the unanimous recommendations of the Committee with regard to the establishment of an Indian Sandhurst and the recruitment of Indian officers in those arms of the defensive forces, paid for out of Indian revenues, from which they are at present excluded '."

Since which the following amendment has been moved :

"That for the original Resolution the following be substituted :

"Subject to the revision of the whole scheme of the defence of the country in any future constitution for India acceptable to the people of India, and while feeling

that the recommendations of the Indian Sandhurst Committee, specially relating to the continuance of British recruitment, do not satisfy Indian public opinion, this Assembly is of opinion that the acceptance of the unanimous recommendations of that Committee will mark a definite beginning in the Indianisation of the Army in India, and it therefore recommends to the Governor General in Council that he may be pleased to accept those recommendations and give immediate effect to them '."

The question is that that amendment be made

The motion was adopted.

Mr. President . Diwan Chaman Lall.

Diwan Chaman Lall : Sir, I am not moving my Resolution. With your permission I wish to withdraw it.

Mr. President : Sir Victor Sassoon.

(Sir Victor Sassoon stood up but did not move his Resolution next on the agenda).

Mr. President : Mr. Duraiswamy Aiyangar.

(Mr. Duraiswamy Aiyangar nodded his head, intending to convey that he did not want to move his Resolution No. 4 on the List).

Mr. President Mr. Ram Narayan Singh :

(At this stage there was laughter and considerable confusion in the House.)

RESOLUTION *RE* MANUFACTURE AND SALE OF KHADI.

Mr. Ram Narayan Singh (Chota Nagpur Division : Non-Muhammadan) : Sir, I beg to move the Resolution which stands in my name and runs as follows .

"This Assembly recommends to the Governor General in Council to start Khadi (hand spun and hand woven clothes) depots in each provincial capital with branches in each district therein for the manufacture and sale of Khadi under the entire management of the local Provincial Congress Committee and to set apart at least a sum of one crore of rupees for the purpose in the next annual Budget ".

Sir, this is a very simple Resolution but it deals with a subject that vitally concerns the very existence of the people of this country. In support of this, I shall submit but a few arguments containing very simple reasons. Sir, we Indians, as a nation in the world, want to be capable to clothe ourselves as a result of our own efforts. Sir, how long are we to depend for our clothes upon foreign countries. The very idea that we have to depend on foreign countries, that we cannot hide our shame, and that we cannot clothe ourselves is very galling to us. The point I wish to impress upon the House is that we Indians in the past have been able to clothe not only ourselves but also a large proportion of the people of other countries. But now the position is that we have to depend upon imports from foreign countries in order to clothe ourselves. During the last European war, when imports were reduced, a large number of families had to remain shut up for all the 24 hours because they lacked clothes. Who knows that such a state of affairs may not arise again ; the probability is that such occasions will arise always. I submit, therefore, Sir, that the House should carry this Resolution unanimously and that it be given effect to by the Government.

[Mr. Ram Narayan Singh.]

Now there may be some who will say that with the advent of machinery of an advanced type there is no use of talking about handlooms, *charkas*, etc. But the point is that this country is not in a position to purchase any more modern machinery to meet its demands. If it had been, we should, by now, have got all the machinery we need for the purpose and more mills would have been set up. So this argument to have more mills really falls to the ground

Then it may be said what is the use of having *charkas*, and looms, when we can get the cloth at a cheaper cost from foreign countries ? Sir, I would say in reply that till the end of the 18th century, this country used to send its Khadi (cotton fabrics) even to European countries Why not revive that and make the country economically free ? Besides, even if we had the resources to purchase machinery and set up more mills, that would mean an extension of the factory system, and that system is a much worse thing than the cottage industry systems which produce Khadi. Another point is that Khadi can in fairness excel any mill made cloth. We know that even now one can spin yarn of about 500 counts by means of the *charka*, whereas mills cannot produce yarn of more than 200 counts. We know from history that in the time of Aurangzeb a Princess wore Khadi of seven folds at a time and even then she appeared naked, so fine was the fabric Not only that, in matters of Khadi, whatever we spend goes to the village itself The village blacksmith supplies the spindle, the village carpenters supply the *charka* and loom, and so on and so forth Every pice, every penny, which is spent in regard to Khadi goes to the village, whereas in the matter of mill-made cloth, a vast sum of money has to be spent first as capital, and that money goes to a foreign country Moreover, as regards the profit, much of it is every year spent in purchasing new parts to replace the old ones which are no longer fit for any further use and this too goes to foreign lands Thus only a little of it remains in the country Let us take another argument Sometimes there is internal trouble in the country also, and it is not possible that we may have mills in every province, in every district In times of internal trouble, the part of the country dependent on other parts thereof will thus have to suffer, but by means of Khadi, all provinces, even districts can be made self-supporting and independent. What to speak of provinces and districts, I can say, every thana, every village and even every family can be made self-supporting and independent. It is therefore, Sir, that Khadi should be introduced throughout the country.

But there are people who might ask, if Khadi has so many advantages and, if it already existed in the country, why is it not prospering in the country to-day, why has it failed at all, why has it not succeeded in competition with the foreign mill-made cloth ? Sir, everybody knows that in this country the Khadi industry has not died out, nor has it failed in competition with mill-made yarn. Everybody knows that it was the foreign capitalist, it was the East India Company that killed the Khadi industry in the country. Sir, those who do not know this are requested to read the history of the country of the 18th and 19th centuries, and I request them specially to read the evidence of Warren Hastings, Dr. Monro and other great people that they gave before the House of Commons' Committee.

Mr. President : Order, order. Khadi must give way to the motion
4 P.M. for adjournment Diwan Chaman Lall.

MOTION FOR ADJOURNMENT.

THE GOLD STANDARD AND RESERVE BANK OF INDIA BILL.

Diwan Chaman Lall (West Punjab Non-Muhammadan) : Sir, after the speech in support of one home industry (the Khaddar industry), I beg leave to speak in support of another home industry, namely, motions for adjournment (Laughter). Sir, my motion for an adjournment reads as follows :

"to discuss a matter of recent and urgent public importance, namely, the affront offered to the Legislative Assembly by the Government in withdrawing this Session the Gold Standard and Reserve Bank Bill before the Assembly had had an opportunity of discussing the remaining clauses of the Bill."

Sir, I speak on this motion as one who desires to uphold constitutional practice, and as one who has no desire in any way to cast any reflection upon the Finance Member as an individual. I realize the difficulties of the Finance Member, and it is because I realize those difficulties that I want the House to support the Finance Member in any action that he might take in order that this Bill should be brought before the House.....

Mr. President . Order, order. If that is the Honourable Member's object, he should not have moved this motion at all. This motion is a direct vote of censure on the Finance Member. If he desires to move it, he might proceed with a knowledge of the full implications of his action.

Diwan Chaman Lall : The censure is the censure of the Secretary of State and of the Government of India.

Mr President : Order, order. The Secretary of State does not come in at all. The Honourable Member by this motion calls into question the decision of the Governor General in Council. The Honourable Member will not therefore be entitled to refer to the Secretary of State in his speech

Diwan Chaman Lall . Sir, in this dose of poison that I am going to administer to the Finance Member, there is a little bit of honey in it. (Laughter.) If it is constitutionally held that it is a censure of the action of the Finance Member, let it be so held. But I am going to explain that even if it is held constitutionally that it is a motion for the censure of the Finance Member's action, nevertheless we intend to support any strong action that the Finance Member may take in bringing this Bill before the House.

Now, Sir, the question is this. When the Currency Commission was appointed, it was never the intention that a simple Reserve Bank should be instituted in this country. The questionnaire was to the effect that measures should be adopted for modifying the rules and changing the constitution of the Imperial Bank in order that that Imperial Bank should be empowered to be put in charge of the note issue. That was the original intention But when the Currency Commission reported it was discovered that the disadvantages accruing from that procedure far outweighed the advantages that might accrue if the Imperial Bank was so

[Diwan Chaman Lall.]

Honourable the Finance Member did actually tender his resignation, (Hear, hear.)

Mr. President : Order, order. I must rule references to rumours out of order.

Diwan Chaman Lall : What we have before us at the present moment is this. This Bill having been withdrawn, there must be some cogent reasons for the action of the Government. At the present moment, I want to know what those cogent reasons are which have compelled the Government to withdraw this Bill from the purview of the Central Legislature ?

Mr. President . The Honourable Member will hear that presently.

Diwan Chaman Lall : If the Government have withdrawn this Bill for any cogent reasons, I submit these cogent reasons should have been placed before us and we should have been apprised of them As it is at the present moment, all that we have is a statement by the Honourable the Finance Member that he does not intend to proceed with the Bill *at present*. That is the guarded statement that he has made. I consider that this is an affront to the Central Legislature I consider that this is an affront not only to the Central Legislature, but to all those Members and to all those leaders of parties who have co-operated so strenuously with the Honourable Member. I consider it to be an affront also to the members of the Joint Committee who have given of their very best to this measure and who have done everything in their part in order that this measure should be brought on the Statute-book I consider that under those circumstances, the action that has been taken by the Government of India is an action which ought to be condemned At the risk of being called to order, I do not intend to say one harsh word in this matter about the Honourable the Finance Member himself personally. (Laughter). I will say everything there is to be said about the Government of India. I consider this is a matter of long standing grievance. It is a matter which has exercised the ingenuity of many a Secretary of State and many a Viceroy in this country right down from 1870 and 1874. We have heard the same story, namely, decisions being taken by the Government of India in regard to business brought before the Legislative Assembly and then suddenly that business being dropped, we do not know why. History shows that very often in the past legislation has been stopped because of the action of the Secretary of State for India We have got evidence that in 1870, one Secretary of State did this, and so on right through Indian constitutional history we have the same story repeated. I am indebted to my Honourable friend Mr. Rangaswami Iyengar for such constitutional facts as are contained in this valuable book of which he is the author. And I would advise Honourable Members to read this book most carefully.

Now, Sir, the question, as I have already stated, is not only that the action of the Government of India was wrong in having withdrawn this Bill from the purview of the Legislative Assembly, but but I consider that morally it could not be defended. Here are we who have met here in this Assembly at great inconvenience to many Members, who have met for one special purpose apart from various other small matters that were likely to come up this Session, and that was to see that this Bill was put on the Statute-book.

Mr. President: All that is beside the point. The merits of the Reserve Bank Bill and the desirability or urgency of putting it on the Statute-book have absolutely got nothing to do with the question which the Honourable Member has raised. If the Honourable Member has nothing new to add to what he has already said, he had better give an opportunity to other Honourable Members who might wish to speak on the motion.

Diwan Chaman Lall: If the measure was bad, what was the point of my moving the adjournment of the House?

Mr. President: According to the Honourable Member's motion for adjournment, Government had no business to withdraw the Bill at that stage without consulting this House, apart from the question whether the Bill was good or bad.

Diwan Chaman Lall: I quite accept that, Sir. The Government have no business to withdraw this measure and I have said so I am now simply adding to my reasons for thinking so, and if I am not allowed to add to the reasons I have already given, I will confine myself to the one narrow issue which the President wants me to confine myself to, namely, that it is indefensible constitutionally.

Mr. President: The Honourable Member is only repeating himself.

Diwan Chaman Lall: No doubt lawyers on the other side will turn round and say that whatever has been done is perfectly within the purview of the Government of India. They are perfectly right in doing so. I do not say that legally they are not right in doing what they have done, but morally I say they are wrong. And I consider that their action should be censured by the House.

Mr. President: I very much regret to have to point out again that the Honourable Member is repeating himself. If he has nothing new to add, he had better allow other Members an opportunity of speaking.

Diwan Chaman Lall: I do not intend to allow this discussion to turn into a duologue between myself and the Chair.

Mr. President: That is just what the Honourable Member is doing.

Diwan Chaman Lall: But I do consider, Sir, that this matter is of such vital importance that some sort of latitude ought to be allowed in a matter like this when we are discussing a constitutional issue.

Mr. President: The Honourable Member must realise that the Chair is determined to keep this debate strictly within the bounds of order. The Chair will not allow any Honourable Member to refer to the merits or demerits of the Reserve Bank Bill.

Diwan Chaman Lall: I do not intend now, Sir, to refer either to the merits or demerits of the Reserve Bank Bill. What I do say is this matter being narrow as it is, being confined to that one constitutional point, we have a right to refer to this question, whether in the past the Government of India have done what they are being charged with doing to-day and how constitutional practice has grown up

Mr. President: Order, order. The Honourable Member's time is up.

Mr. M. A. Jinnah (Bombay City . Muhammadan Urban) : Sir, the question before the House is really a vote of censure upon the Government of India The vote of censure upon the Government of India is based on the following grounds. It seems, Sir, that the Honourable the Finance Member has not withdrawn the Bill technically. (*An Honourable Member* : " Hasn't he ?"). No, he has not ; you have not understood it. Under Standing Order 50 he cannot withdraw the Bill because Standing Order 50 says he can withdraw the Bill only by leave of the House He did not resort to that procedure at all, but what he has done is this, that he has flouted this House, the Government have shown an affront to this House by adopting a procedure which raises a very grave constitutional issue and it is this T
ernment business ; a
business is arranged l

The Standing Order is as follows :

> " On the days allotted for the transaction of Government business the Secretary shall arrange that business in such order as the Governor General in Council may direct."

The Finance Member was only a little courteous to the House by previously announcing that on Monday, that being a day for Government business, this item would not be placed on the List—I think I am correct in saying that—and thereby he has deprived this House of further consideration of this Bill. Now, Sir, I should like to know on what ground this procedure was adopted ? What are the reasons ? We feel that really it is the grossest discourtesy to this House. At what stage were we ? We were at this stage : the Finance Member said that he was willing to proceed with the Reserve Bank Bill on the understanding that it should be a State Bank, provided on this side of the House we did not insist upon this Legislature or any Legislature being formed into an electorate for the purpose of representation on the Board of Directors. That part of the Bill, namely, that it should be a State Bank, was passed Then we came to the stage of the Board of Directors. The Finance Member stated on the floor of this House—he will correct me if I am wrong, I am speaking only from memory—that he would be prepared to consider any scheme for the constitution of the Board of Directors provided it did not contain any element of representation of the Legislature, and if that scheme was acceptable to the majority of the Members of this House he was willing to consider it. He therefore said that it was up to the non-official Members on this side to put before him a scheme on that footing That was under consideration ; I will not go into the details, but since then he put forward a scheme which is known now all over the world as the stockholders' scheme. I think it must have reached London also by now. Now, he was good enough—and I am extremely grateful to him for showing that courtesy to us—to take us into his confidence and discuss with us his stockholders' scheme ; and the Bill was to be taken up on Monday, as it was understood. Well, the stockholders' scheme also was under consideration of all the parties ; but before we got anywhere near Monday,

on Thursday evening a bomb shell was thrown on the floor of this House ; and what was that ? An intimation that this item would not be put on the agenda for Monday. (*An Honourable Member* : " Or during the Session.") (*Another Honourable Member* : " He said he withdrew the Bill for the Session.") No, Sir. He cannot say that : he can only withdraw it with the leave of the House. Therefore once you had this Bill before you, I am not aware of any practice, constitutional or otherwise, by which he could do it. Under our Standing Orders it is quite clear that this Bill cannot be withdrawn except with the leave of the House.

This is what the Standing Order says :

" A member who has introduced a Bill may at any stage of the Bill move for leave to withdraw the Bill, and if such leave is granted, no further motion may be made with reference to the Bill ".

Therefore, Sir, until that leave is granted, the Bill must be proceeded with (*A few official Members* : " No, no,") (Mr. K. Ahmed also made an interruption which was inaudible). I do not want the advice of my friend Mr. K. Ahmed (*An Honourable Member* : " Why not ? ") Because I think I can get along quite well without his advice.

Now, Sir, whatever interpretation you may put upon the action of the Honourable the Finance Member, I say that the Government are guilty of showing a great affront to this House I say that this cannot be tolerated, and I think, speaking on behalf of Members on this side of the House, that there is no justification for the conduct of the Government in this matter ; and I therefore support the vote of censure without hesitation.

Mr. M. R. Jayakar (Bombay City Non-Muhammadan Urban) : Sir, I have great pleasure in associating myself, on behalf of the Nationalist Party, with the motion moved by my Honourable friend Mr. Chaman Lall. In doing so, I shall strictly confine myself to the constitutional issue involved in this motion, and not import into my speech anything of what one hears in the lobby,—and one hears so many things, good, bad and indifferent The constitutional issue is, as stated by my Honourable friend Mr. Jinnah, that the procedure adopted by the Government of India in withdrawing from the consideration of this House a Bill on which Members on this side had worked for several months and at the last stage of which they had laboured for three or four days to consider a specific proposal, is very wrong The Honourable the Finance Member at the last stages of the negotiation put before us a specific proposal, and I must congratulate him on that account, in so far as he tried his best to meet the wishes of this Section of the House on some important points After having undergone all this worry and all the trouble which some Members took in going from Bombay to Calcutta, from Calcutta to Simla, party meetings being held nearly every evening and some of us being deprived of our luncheons and dinners on that account, after all this trouble I say the Honourable the Finance Member, as the spokesman of the Government of India suddenly comes forward and in a very short speech—of excellent shortness if I may say so—merely announces that he does not want to proceed with the Bill. In social life, Sir, such a discourtesy would be grossly resented Supposing a friend of mine wrote to me saying that he was going to pay a week-end visit, and I got a bed room ready for him, secured a special cook and made

[Mr. M R. Jayakar.]

everything ready for him and at once I get a wire merely saying that he did not want to come, without offering the least apology or even an explanation of the reason why he did not want to come, I should never invite him again. (Laughter) Unfortunately, we have not the power to retaliate on the Government of India by treating them with the same cold aloofness ; if I had it, I would deal with them precisely in the same manner. May I warn the Government of India that the exchange of courtesy to the Opposition in this House will make them stronger, and that any discourtesy shown to this side of the House will certainly in the long run recoil on them and make them weaker and weaker. I am one of those, Sir, who are desirous that conventions should grow up in this House between the Government of India and the Opposition Benches which will mutually strengthen one another I would warn the Government of India that if they do not wish to reduce themselves to the position of what a statesman in England once described—the Government of India to be, *viz*, a mere subordinate branch of the British administration, let them be careful;Isay that if they do not want to reduce themselves to that pitiable position, there is only one way, and that is, to trust the Opposition Benches more and more and secure their support Therefore, Sir, taking that view of our relative positions here, I am practically anxious that we should convey to the Government of India our strong resentment in this matter By their discourtesy and affront they have rendered us impotent, and in the same measure, they are also rendering themselves impotent as against outside dictation. I have therefore great pleasure in supporting this motion for adjournment

Mr. A H Ghuznavi (Dacca Division · Muhammadan Rural) Sir, I associate myself with what my Honourable friend, Mr Chaman Lall, has said to-day. Sir, we feel it a great insult to us the way the Government of India has treated this House. After the assurance that was given by the Honourable the Finance Member that he would go on with this Bill in this Session, and after all of us at great discomfort have come here to attend this Session in good time, to our extreme surprise it was only on last Thursday we were quietly told by the Finance Member " I am not going to proceed with this Bill " Is that the way to treat this House, Sir ? Is that the way you, the Finance Member, want to treat the Members of this House ? What did he say to the reply of the Swarajist leader, when he asked him " Are your going to proceed with this Bill in the Delhi Session ? " He said " I will not add one word more to the statement that I have made. " We all know that he has not withdrawn the Bill. But from what he said it struck us that he was not going to proceed with the Bill at all, and if that was the case, surely he should have consulted the House before making a statement of that kind

Sir, there is one thing more. The Joint-Committee on this Bill was formed of Members of both the Houses in last March The first meeting was held in Bombay in May last. Then the whole of that Committee was taken down to Calcutta in July last. They had deliberations there for about ten days, and after that they came to certain conclusions After these expenses were incurred, after all the troubles the members of the Joint-Committee had taken, and after all that had been done before, the Bill came before this House, we thought the Government was anxious to

go on with this Bill and we too were equally anxious to go on with it. We wanted to have a full opportunity in this House of discussing the merits of the Bill ; and if the wreckers had wrecked the Bill, well, we could have gone to the country and said " It is not our fault, but the fault of the wreckers who have wrecked the Bill ". The Government have not given us the chance to prove to our constituency that we have done our best, but have practically given the wreckers what they wanted. And this is very unfair to us.

With these few words, Sir, I associate myself with what the preceding speakers have said, and I desire strongly to protest against the action of the Government of India.

The Honourable Sir Basil Blackett (Finance Member): Sir, the referee's whistle has been so much in evidence during the course of this game that I am a little bit afraid of the ground on which I may tread in an effort to make a speech in dealing with the motion now before the House. The Honourable Member from Bombay, Mr. Jayakar, commented on what he described as the excellent shortness of my explanation of the position last Thursday evening I confess that I should be very glad to have been able to practise the virtue of excellent silence on this occasion (Laughter). The motion, I think, is a little overstated. The adjournment of the House is being moved to call attention to the affront offered to the Legislative Assembly by the Government in withdrawing this Bill this Session before the Assembly has had an opportunity of discussing the remaining clauses of the Bill. Well, Sir, I maintain with due deference that, so far as any intention on the part of the Government of India is concerned, there has been no affront to this House, and that the Government have not withdrawn the Bill.

Mr. President : The Honourable Member knows that the Government have no power to withdraw any Bill without coming to this House.

The Honourable Sir Basil Blackett : I entirely agree that the Government have no right to withdraw the Bill without coming to this House. If Members of this House are of opinion that an affront has been offered to the House, I can only say on behalf of the Government of India that no such affront was desired or intended and that I am very sorry that any impression of that sort should have gone abroad. As regards the withdrawal of the Bill, what the Government have done is to come to the conclusion that, in view of the time available during this Session and the complexity of the problem still to be solved, it was not desirable to attempt to complete the Bill this Session. They have come to no other conclusion and any further conclusion that may be drawn from the action of the Government in this matter is unauthorised and possibly inaccurate. I cannot help thinking that the Honourable Member who had so much difficulty with you, Sir, in moving this motion, was under the impression that he was moving a motion on some other subject, shall we say, for example, what is happening at Kharagpur at the moment ? He imagined himself complaining that the Government of India in the person of a Railway Company had locked out its employees in the persons of this Assembly and refused to go on with them until they would work. That is not what is happening at all Surely it is reasonable, when the original plan of an important portion of the Bill before the House has been considerably modified, that the Government and the House and the

[Sir Basil Blackett.]

country should ask for time to consider the exact bearing and implications of any alternative plan for arriving at the results desired. I must not, Sir, dwell on the merits of the Bill. I confess that sometimes, in listening to the debate, I was reminded of a variant of the poem quoted by my Honourable friend, the gallant Baronet from Bombay, about the dissembling of love, and I thought of the variant—it is not so poetical—"If you love me, say so, but don't spoil my patent leather shoes." (Laughter) I must say that some of the expressions of love that were shown towards me and my Bill seemed to me to spoil the patent leather shoes of my Bill. But after all, we are merely asking for more time to deal with the matter. I cannot add anything to what I said last Thursday in regard to the position Government require time to consider the full implications of any alternative plan. Surely, it is within the rights of the Government, and it is no affront to the House, that when difficulties arise in the course of discussion of a Bill, they should not, as is complained in this case, withdraw the Bill—that is not what the Government have done—but postpone consideration until a later Session in order that when it comes up it may be discussed, if it is discussed, (*An Honourable Member* : "Will it ever be discussed ? ") in an atmosphere when progress is likely to be made, instead of under conditions in which there is a possibility of a break-down and the complete failure of the Bill owing to absence of a sufficient measure of agreement between the various conflicting view points which have to be considered in arriving at a final conclusion I repeat once more that the Government have not withdrawn the Bill and they are not guilty of any intention of affronting this House or of having really done so if all the circumstances of the case are considered This is variously described as a vote of censure on myself, on the Government of India, or on some one else The Government of India may at times be incomprehensible, it is at any rate one and indivisible, not by confusion of persons but by unity of substance. We have to consider in full any proposal that we may commit ourselves to supporting in this House for the purpose of legislation We do claim that we have a full right in this matter to consider with great care the full implications of the several alternatives all of which involve very complex considerations. I hope the House will, after what I have said, realise that this motion is really not fully justified There is not, I maintain, sufficient reason for censuring the Government of India for their action in the matter of the Reserve Bank Bill Their action, I maintain, has been taken in the interests of ultimately arriving at a successful bit of legislation and not hurrying too fast in a way that may lead to a premature failure.

Mr. M A. Jinnah : I want to ask the Honourable the Finance Member a question. There were two courses open to him, either to withdraw the Bill or to move the adjournment of the consideration of the Bill. Why did he adopt this arbitrary and autocratic course which he has adopted ?

The Honourable Sir Basil Blackett : I think my only answer to that is that it was for the convenience of the House that they should know on Thursday evening rather than on Monday morning what the position was likely to be

Mr. S. Srinivasa Iyengar (Madras City : Non-Muhammadan Urban) : Mr. President, I had no desire to add to the observations which

I made on the last occasion. I waited to hear what explanation the Honourable the Finance Member was going to make, because, Mr. President, you ruled, if I may say so with all respect, rightly the other day, that a debate should not be raised. To-day when the debate is raised on the point, I find the Honourable the Finance Member gives absolutely no reason whatever for the course which he has chosen to take. We have been taught that language is given to conceal thought, and I feel that the English language conceals thought more than any other language. If ever there was an occasion for me to realise that truth in its fulness, in its completeness, and in all its vividness, it is to-day after listening to the carefully modulated speech of the Honourable the Finance Member. I am no wiser after he has spoken than before he spoke This is not the way to treat the House. I consider the explanation which the Finance Member gives adds injury to the insult which has already been offered to us. We want to know plainly and squarely what are the reasons really why the Government of India did not proceed with this business? Why is there this mystery, this darkness? Is the business of the Government of India to be transacted in twilight or is it to be transacted in broad daylight? Once a Bill of this description comes before this House I say you cannot circumvent the spirit of the rules. You may claim to comply with the letter of the rules, but you should not circumvent the spirit of the rules. The action of the Government is tantamount to a temporary withdrawal of the Bill under the pretext that they are arranging the Government business on days allotted for Government business. When once Government business is taken up, though the matter is one for you to decide and not for me, the spirit of the rules does require that, unless there is any very great difficulty which compels the Government to suspend the normal course, a Bill which is taken up on Government days must go on from day to day. That is the usual procedure I submit that whether Government had technically the right to do it or not, it is certainly unconstitutional and amounts, as I said the other day, to trifling with what ought to be the convention of this House The Finance Member did not really give any satisfactory reason He said that the motion for adjournment is not fully justified. Does he mean that it is justified to any extent? He said that the Government is one and indivisible I cannot understand the divinity about it. I am not a theologian. The Finance Member used many other phrases which simply cloud the issue and do not lay bare the truth. A Bill has been actually taken up and some important clauses have been discussed. We had come to the crucial clause, clause 8. That was being discussed The amendments were there. Suddenly the Government discovered that they required an indefinite adjournment for the purpose of coming to a conclusion What is the agreement that was wanted? I have seen no evidence of any desire on the part of the Government of India to come to any agreement with the popular party in this House. I do not desire on this occasion to express my opinion on this Bill and it would not be in order I do not want to say whether the Bill should be of a particular kind or of some other kind I have nothing to do with it or its merits We stick to our demand. Our demands have been before the country and before this House Speaking for my part and for the Congress Party, the reason why we did not think it necessary to bring this motion is because we had already expressed our resentment, and we did not think it necessary to bring up another motion before this House.

Mr. President: Does not the Honourable Member belong to the Congress Party ?

Mr. S. Srinivasa Iyengar: That is, Sir, domestic politics. When once a motion of this description is brought before this Assembly, there is not the slightest doubt that the Congress Party will support, as it has decided to support, this motion, because it is simply repeating what I said on behalf of my Party and, if I may say so with all respect on behalf of the other non-official Members of this House on the last occasion. If a formal vote of censure was required I do not see the slightest harm in having such a vote of censure. For it does strengthen the hands of the popular elements in this Assembly to have a vote of censure of this description formally passed against the Government. We are, however, not here for the purpose of strengthening the hands of the Finance Member or the Government of India. We are here for the purpose of asserting our own rights and liberties, and they require that the ordinary normal procedure of this House shall not be interfered with by any extraordinary action which is taken on behalf of the Government of India. I have nothing to do with the apportionment of responsibility. I am not an inquisitive person and I do not want confidences which are not given to me voluntarily. Therefore, Sir, whilst I associate myself with the censure that has been moved, I must say that I do not agree with my friend Mr. Jayakar or others in thinking that there was any great accommodation or any great deal of co-operation. My Party stands and will stand for certain principles, and it is only if the Government comes down to those principles and agrees with our Party that we will agree to co-operate and we shall not do so in the case of any Government measure or Bill which does not satisfy the fullest demands of the Party which I have the honour to represent With these words I cordially support this motion for censure

Mian Mohammad Shah Nawaz (West Central Punjab Muhammadan) · Sir, I support this motion for censure, not on the ground given by my esteemed friend Mr. Srinivasa Iyengar, but on the ground that the consideration of the remaining clauses of the Reserve Bank Bill was postponed against the wishes of this House The reason given by the Honourable the Finance Member that the consideration of the Bill was deferred because the Government wanted more time with a view to consider the pros and cons of clause 8 of the Bill are not conclusive and convincing. Probably there are some other reasons which the Honourable the Finance Member does not wish to give on the floor of the House Now, Sir, the hard facts of the situation are these. The Reserve Bank Bill emanated from the Joint Committee in a form which raised certain controversial matters The Finance Member was forced to fall back on the shareholders' bank, but, in order to inspire confidence of all the parties in this House, he gave up the shareholders' bank in favour of a State Bank. That shows honesty of purpose on the part of the Finance Member who is also the Leader of the House. A dispute arose with regard to the composition of the Directorate. There is one scheme which is embodied in clause 8 of the Bill and which empowers the Legislature to elect as many as 6 Directors to the Board I do not wish to enter into the merits or demerits of this scheme, but obviously it was opposed by the Government and a large number of the Members of this House.

Mr. President : The Honourable Member is not right in assuming that a large majority of the House was opposed to a particular scheme. Will he confine himself to the constitutional issue ?

Mian Mohammad Shah Nawaz : Sir, I am not going into the merits of the scheme. I am simply stating facts The other proposal of which the Honourable Member, Mr. Srinivasa Iyengar, had given notice to move was that the provinces should elect a College of Electors consisting of 300 members and the College of Electors in turn should elect 6 members to the Board of Directors. Well, Sir, I do not know what would have been the fate of this proposal Then again, Sir, Raja Ghazanfar Ali tabled another amendment, namely, that two seats should be reserved for Muslims through election on the Directorate That did not meet the wishes of the Government. We all know that the Honourable the Finance Member refused to agree to the introduction of the principle of communal representation and racial distinction in a banking institution. Finally, there was a proposal for a stockholders' scheme Everybody knows what that scheme is It obviously gained the support of all parties in this House. But all of a sudden the Finance Member next day tells the House that the Bill cannot be proceeded with. I do not know what the real reasons are If the Government wanted to have time the Finance Member could have stated on the floor of the House that he wanted time. There are probably certain other reasons which perhaps it is not advisable on the part of Government to state before the Assembly. Personally, I think these reasons must be strong which forced the Finance Member to postpone consideration of the measure to a fresh date. It is somewhat unfortunate that even in respect of a banking institution the Government of India has not a free hand and its liberty of action is controlled by higher authorities. The Honourable Sir Basil Blackett whose ability and integrity we all admire is not to be blamed The object of this motion is to show to the Governments in India and in England that this House desires to resume discussion of the Bill at an early date and pass it in a form acceptable to the Government of India and a substantial majority of the House The consideration of the Bill has been deferred contrary to the opinion of this House, and for this reason, Sir, I support the motion for censure.

Mr. H. G Cocke (Bombay · European) . Sir, I merely want to say on behalf of these Benches that we do feel in this particular case that the House has not been quite reasonably treated We realize to the full that there may be Government measures with which it is not desirable to proceed and under our Standing Orders it is possible for these Bills not to be proceeded with in the course of two Sessions and then they drop, but in this case we feel that while there were amendments on the paper which attempted to deal with the problem, it was somewhat premature to refuse to proceed with the Bill further this Session. It is quite possible that the Government of India, in taking that line, have made themselves good prophets It may be that the solutions which were under consideration would have resulted in further deadlocks, in which case possibly Government would have been right, but on the narrow constitutional point we feel that the Government of India should not withdraw, or rather refuse to proceed with, important measures of this sort at very short notice without further discussion.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural) : Sir, when I came to this House, I was inclined to support the Honourable the Finance Member in the action he had taken, because I felt that so far as the affront to the House was concerned, my Honourable friend, Mr Srinivasa Iyengar, had made it clear on the day the announcement was made that the House resented the action of the Honourable the Finance Member ; and I thought that it might be possible to show on behalf of the Government that the Finance Member, finding that he was not willing to accept the scheme which found favour with a large section of the House, and that a large section of the House was not willing to accept the scheme which the Finance Member wanted it to adopt, might justifiably have thought it the part of wisdom not to take up the time of the House any further with the Bill and to let it drop. But having heard the Honourable the Finance Member to-day, Sir, I feel more strongly than I did before that the House has every justification for feeling that it has been treated with an affront. I cannot understand why the Finance Member should not have realized all that his action meant, but bad as it was, for him now to get up and say to-day that he has not withdrawn the Bill, that he may still proceed with the Bill, is, I submit, to add another insult to the one that has been already offered to the House. I feel, Sir, that if the Finance Member felt that in view of the differences of opinion the Government should not proceed with the Bill, it was perfectly open to him to say to the House that that was so and not to proceed with the Bill. But having given the impression to the House on Thursday last that he had come to that conclusion, for him now to seize this opportunity of a motion for adjourning the House to declare to this House that he has not withdrawn the Bill, that it is still intended to go on with the Bill, and in particular..

The Honourable Sir Basil Blackett : May I, in the interests of accuracy, point out that I have said to-day exactly the same as I did on Thursday. I have no power to withdraw the Bill, as my Honourable friend knows , what I said to-day is exactly what I said on Thursday.

Pandit Madan Mohan Malaviya : I submit the question of the Honourable Member having no power to withdraw the Bill stands on a different footing , there is no power under the Standing Orders which can compel a Government Member or any other Member to proceed with a Bill He may not withdraw the Bill without the leave of the House ; he cannot do so, but there is no power to compel him to proceed with the Bill, and I submit that when the Honourable Member made his statement on Thursday last, he gave the impression to the House, at least to a large section of the House, that he did not intend to proceed with the Bill. I do not wish, Sir, to dwell any longer on this subject. Government treat us as if we are here to register their decrees, to accept their decisions or to be treated in the manner in which we have been treated After many months of labour have been spent on the Bill, after the long discussions that have been held, for any Government Member to get up and say to the House what the Finance Member said is, I submit, extremely—I will not use a stronger word—extremely discourteous Now, Sir, I wish to make one suggestion to the Honourable the Finance Member or rather to the Government of India. They have shown discourtesy to this House. Will they now save this House the further discourtesy of asking it to

consider this Bill further? Let the Bill drop and lie where it does. (*Some Honourable Members*: *No, no.*) After all......

Mr. President: Order, order. The Honourable Member is now introducing a debatable matter.

Pandit Madan Mohan Malaviya: I submit, Sir, that I am not going to enter into the merits of the Bill. I only want to establish the principle that when the Government have acted in this fashion in regard to a measure like the Bill before us, the least courtesy that they can show and the most sincere regret that they can express for having taken that action is that they should not ask the Members of this House to spend any more time upon the Bill.

Mr. Muhammad Yamin Khan (United Provinces: Nominated Non-Official): Sir, we all know the history of the Bill as it has been discussed in this House. Different speeches were made in the House and different decisions were arrived at but they have all been thrown out. We knew, Sir, as a matter of fact, that a substantive scheme was after all coming before the House with regard to which we were all trying to arrive at a unanimous decision For this purpose we had laboured long both in this House and outside it We had the debates postponed for several days. Now, Sir, all of a sudden we find that this Bill is dramatically dropped in this Session. The two statements which the Honourable the Finance Member has made to-day seem to me to be striking at the very root of the whole matter. He has said that the Government of India have not offered an affront to this House in any way and that they had no desire or intention whatsoever of doing so. The second statement that he made was that the Government of India have not withdrawn this Bill. We must accept both these statements as quite correct. I think, Sir, the very first statement that the Government of India had no intention whatsoever to offer an affront to this House explains the whole thing. To my mind, there is a lurking suspicion that if the Government of India had no intention to withdraw this Bill and that they have not withdrawn it, then certain other influence has probably prompted them to take the action which they have taken in regard to this Bill Whatever that influence may have been and wherever the dictation might have come from, we do not know, unless it had been explained plainly to this House by the Honourable the Finance Member. But, Sir, the dignity of the Leader of the House who speaks on behalf of the Government is certainly lowered when he lays down a specific suggestion before the House to come to an agreement and when a settlement is going to be reached very soon, that all of a sudden he is thwarted in this matter. It has been shown to the House that the Honourable the Finance Member who speaks on behalf of the Government and who was talking as a responsible officer has been thwarted in his scheme.

Mr. President: I cannot allow the Honourable Member to proceed in this strain. He must accept the statement made by the Leader of the House. The Leader of the House had never even insinuated that he had been thwarted by any other authority.

Mr. Muhammad Yamin Khan: The Finance Member has said in very guarded words that the Government had no intention of withdrawing this Bill and that they have not offered any affront to the House. I take them at their face value and I accept his statement as it stands.

[Mr. Muhammad Yamin Khan.]

This very statement has to my mind revealed the whole state of affairs. (Laughter.)

Mr. President : The Government of India have taken the fullest responsibility for their action and the motion before the House calls into question that action. The Honourable Member is not entitled to go outside the terms of that motion.

Mr. Muhammad Yamin Khan : I accept that the Government of India have taken the fullest responsibility upon themselves. Of course, they could not do anything else. (Laughter.) To my mind, it appears that the action of the Government of India is a very undignified one. This leads the Honourable the Leader of the House to a very precarious plight. This action of the Government of India will lower the Leader of the House in the eyes of the world. If in future the Government of India should place any suggestion before the House, Honourable Members would not take them at their word, because they would not be sure whether the Government of India were speaking with authority on the matter or not. Therefore, I submit that this unconstitutional method requires condemnation by support of this motion. (Hear, hear.)

Mr. President : The question is .

"That this House do now adjourn ".

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 14th September, 1927.

LEGISLATIVE ASSEMBLY.

Wednesday, 14th September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

†1015*—21*.

LIQUIDATION OF THE INDRAPARASTHA STORES LIMITED, DELHI.

1022. ***Rao Bahadur M. C. Rajah**: (*a*) Is it a fact that the Indraparastha Co-operative Stores, Delhi, was placed under liquidation about 4 years ago ?

(*b*) Have the Government received any complaints regarding delay in winding up the stores or regarding misappropriation of its funds during the unusually long period of liquidation ?

(*c*) What steps do the Government propose to take to expedite the winding up of the Stores ?

The Honourable Sir George Rainy: (*a*) There is no such Company as the Indraparastha Co-operative Stores, Delhi. There is, however, a company styled Indraparastha Stores, Ltd., which went into voluntary liquidation by resolution of an Extraordinary General meeting held on the 9th January 1925, that is about 2 years and 8 months ago.

(*b*) The only complaint received by the Chief Commissioner, Delhi, is one dated 27th January 1927, against the liquidator of the company. This complaint was answered and returned in original to the complainant, Jagdhish Pershad, a contributory of the above company.

(*c*) The Indian Companies Act, VII of 1913, prescribes no limit of time by which the winding up of a company should be completed. The liquidator hopes to complete the winding up of the company by the end of January 1928 The delay is said to be due to the non-realization of several decrees. In the case of voluntary liquidation the Government have no power under the Act to expedite the proceedings.

ARTICLES IN THE *Hindustan Times* ENTITLED "LIFE IN RAISINA".

1023. ***Rao Bahadur M. C. Rajah**: (*a*) Has the attention of the Government been drawn to the editorial notes under the heading "Life in Raisina" published in the *Hindustan Times*, Delhi, dated the 17th February 1927, and 27th March, 1927 ?

(*b*) What action do the Government propose to take to remove the hardships and defects pointed out therein ?

† Not put at the meeting, but the questions with their answers will be found at pages 4313—16 of these proceedings.

REPLACEMENT BY GLASS WINDOWS OF THE HONEY-COMBED PORTIONS OF THE BATH ROOMS IN THE "D" CLASS QUARTERS IN NEW DELHI.

1026. *Rao Bahadur M. C. Rajah: (a) Is it a fact that the bath rooms of "D" class quarters in all the quarters except those newly built for the "G" point Post Office are provided with a honey-comb instead of a glazed window?

(b) Have the Government obtained the views of any medical officer as to whether it is safe for a person to bathe with warm water in winter in a bath room which is open to draughts from outside through honey-combs?

(c) Are the Government aware that almost all the residents have to shut up the honey-comb to protect themselves from cold wind?

(d) When do the Government propose to replace the honey-comb by glass windows to allow light into the bath room at the same time affording protection from cold draughts when necessary?

(e) When do the Government propose to replace the bath room pipe by high shower and torrent bath pipe like those in the Indian clerks chummeries?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes

(b) No. The tenant can protect himself against draughts by covering the honey-combed portion by a small purdah on the inside In order to render this possible and yet admit light all solid doors have been specially provided with glazing.

(c) No, but this is what Government suggest the tenants should do if they wish to do so.

(d) Government do not propose to effect this replacement.

(e) Government do not consider that this is necessary.

CLOSING OF THE WATER PIPES IN THE HIGH LEVEL QUARTERS IN NEW DELHI SOON AFTER 10-A M

1027. *Rao Bahadur M. C Rajah: (a) Is it a fact that water pipes in the high level quarters in New Delhi close soon after 10 o'clock in the morning thus putting the residents to great inconvenience?

(b) Do Government propose to take any steps to remove this inconvenience?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). Government understand that water pipes are open throughout the 24 hours of every day.

ISSUE OF EXTRA FURNITURE TO RESIDENTS OF "D" CLASS QUARTERS IN NEW DELHI.

1028. *Rao Bahadur M. C Rajah: (a) What articles of extra furniture are usually supplied if required by the residents of "D" class quarters in New Delhi?

(b) What is the rate of charges for each?

(c) Are the Government aware that extra furniture is usually supplied very late in the month of November or in December even when it is requisitioned in October ?

(d) Are the Government aware that it causes a good deal of inconvenience to those concerned and also loss of income to Government ?

(e) Do the Government propose to instruct the authorities concerned to issue extra furniture as soon as a quarter is occupied so that the extra hire may commence from the same date ?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). The list of articles of extra furniture and the rate of charges can be had on application to the Estate Officer, Delhi.

(c), (d) and (e). It is not the policy of Government to provide furniture in excess of the scale that has been laid down. There is, however, a surplus of certain articles and additional demands are met from this source as far as possible. This surplus is likely to be exhausted in the near future in providing for replacements. In the circumstances furniture over and above the scale referred to can only be issued if available and certain articles may only become spare late in the season, if at all.

FIXING OF PERMANENT HANGING HOOKS IN THE WALLS OF QUARTERS IN NEW DELHI.

1029. *Rao Bahadur M. C. Rajah: (a) Are the Government aware that the walls of quarters are spoiled every year by the residents in their unsuccessful efforts to fix hanging hooks and nails in the walls ?

(b) To avoid unnecessary trouble and spoiling of walls do the Government propose to fix permanent hanging hooks in the walls or to indicate by lines, etc., on the walls where they can be fixed ?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). The answer is in the negative.

DIFFERENCE IN THE COURSES OF STUDIES IN THE DELHI AND SIMLA SCHOOLS.

1030. *Rao Bahadur M. C. Rajah: (a) Is it a fact that the school courses of Delhi and Simla schools are different ?

(b) In view of the fact that the children of the Government of India employees have to move between Simla and Delhi, are Government prepared to take steps to remove this trouble ?

(c) Are the Government aware that there is a general complaint to the effect that the teachers of New Delhi schools find it difficult to give special attention to the boys that go there from Simla and join the schools for the winter only ?

[illegible] the Inspectors of S[illegible] in the course of st[illegible]hildren of the Government of India employees ?

Mr. A. R. Dalal: (a) The courses differ to a small extent.

(b) Attempts are being made to minimise the hardship.

(c) No.

(d) No ; but the Honourable Member is referred to the answer to (b).

EXTRADITION PROCEEDINGS AGAINST SARDAR DIWAN SINGH, EDITOR OF THE *Riyasat*.

1031. *Diwan Chaman Lall : (a) Will Government be pleased to state whether it is a fact that the complaint lodged against Sardar Diwan Singh, Editor, *Riyasat*, by the Patiala State was lodged three years ago ?

(b) Is it a fact that Colonel Minchin (Agent, Governor General, Punjab States) refused extradition proceedings three years ago for the same criminal complaint ?

(c) Will Government state if the legal representative of Sardar Diwan Singh will be given an opportunity of being heard should extradition proceedings be started against him before the Agent to the Governor General, Punjab States ?

(d) Is it fact that in a cocaine smuggling case instituted against Sardar Diwan Singh it is stated in the judgment that " there is little doubt that Diwan Singh was an eye-sore to the Patiala people....... All that is relevant to this case is that Diwan Singh by writing such articles made himself a bitter enemy of the Patiala party.. (judgment acquitting Sardar Diwan Singh Criminal case Lahore, No. 3|3, dated 5th January 1923) ?

The Honourable Mr. J. Crerar : (a) I would refer the Honourable Member to the answer I gave to Mr. B. Das' question on the subject on the 31st of August.

(b) No such proceedings have been traced

(c) The Agent has to satisfy himself that there is a *primâ facie* case against the accused and I have no doubt that any application from a duly empowered legal representative of Sardar Diwan Singh to be heard on his behalf would receive the fullest consideration

(d) Government have not seen the judgment referred to

APPOINTMENT OF A TECHNICAL COMMISSION TO EXAMINE THE GAUGE PROBLEM RELATING TO RAILWAYS.

1032 *Mr E F Sykes : (a) Are the Government aware that the Acworth Committee described the gauge problem as an urgent one and recommended the appointment of a technical Commission to examine it ?

(b) Do Government propose to appoint such a Commission ? If so, when ?

Mr A A L Parsons : (a) Yes

(b) When the recommendation made in paragraph 181 of the Acworth Committee's Report was considered the Railway Board were more inclined to the views expressed by Sir Henry Burt in his minute of dissent, which I have no doubt the Honourable Member has read, namely, that the gauge problem should be dealt with as incidental to, and with regard to, the immediate necessities of each new project as it comes under consideration. It has not been thought necessary to appoint a technical Commission to

examine the problem as a whole as Government have held the view that the work of improvement and development on a systematic basis which is now going forward was of prior importance to a possibly academic examination which might set up a competing demand for heavy expenditure on work of less pressing urgency. The question of gauge is however examined with great care when new projects are being investigated and under present instructions new branches will ordinarily conform to the gauge of the parent line, except that where expected traffic on a proposed branch does not warrant the use of the 5 ft. 6 inch standard gauge the 2 ft. 6 inch gauge will be adopted

DETENTION OF STATE PRISONERS UNDER THE BENGAL CRIMINAL LAW AMENDMENT ACT, 1925

1033 ***Mr Satyendra Chandra Mitra** : (*a*) Will the Government be pleased to state how many of the State prisoners arrested under Regulation III of 1818 are being now detained under the Bengal Criminal Law Amendment Act, 1925 ? And on what grounds ?

(*b*) How many of these have been detained outside the Province of Bengal must be detained only in jails?

(*c*) Is it the law that persons detained under the Bengal Criminal Law Amendment (Supplementary) Act, 1925, outside the Province of Bengal and in what jails ?

The Honourable Mr. J. Crerar : (*a*) I understand the Honourable Member's question relates to the recent action taken to transfer certain State prisoners from Regulation III to forms of detention under the Bengal Criminal Law Amendment Act. Nine prisoners have been so transferred in the last few months The ground for substituting orders under the Bengal Criminal Law Amendment Act for warrants under Regulation III is, as explained by Sir Alexander Muddiman in his statement of the 21st March last, to which I would refer the Honourable Member, that the former Statute furnishes means for gradually relaxing the degree of restraint to which the prisoners are subject.

(*b*) None of these are detained in jails outside Bengal, the object of the action taken being, as I have mentioned, that they should be released from jail detention.

(*c*) Yes.

Mr. T. C. Goswami : Do I understand from the answer of the Honourable the Home Member that the prisoners so transferred are meant to be released in a short time ?

The Honourable Mr. J. Crerar : The intention is that they should be released from the conditions of jail detention and placed under milder forms of restraint.

Mr T. C. Goswami : What is the object of the milder forms of restraint, considering that they could run away if they wanted to ?

May I have an answer to my question ? I think it is a very serious question

The Honourable Mr. J. Crerar : The object of the milder forms of restraint is, while providing so far as necessary for the public security, to mitigate the degree of restraint imposed upon the prisoners.

Mr. T. C. Goswami : Do I understand that the Honourable the Home Member still thinks them to be dangerous people, people dangerous to public safety ?

The Honourable Mr. J. Crerar : That, Sir, is the justification for maintaining any restraint on them.

Mr. Satyendra Chandra Mitra : In answer to part (*a*), the Honourable the Home Member was pleased to say that the reason for transferring prisoners from Regulation III to the Bengal Criminal Law Amendment Act was that according to the latter law the prisoner was capable of being placed under gradations of restraint, but in answer to part (*c*) he said that when a prisoner was transferred outside his province, he was only to be kept in jail. Then why is it that in those particular cases when they are not capable of being placed under gradations of restraint they are transferred from Regulation III to the Bengal Criminal Law Amendment Act ?

The Honourable Mr. J. Crerar : The position is this. Under section 4 of the Supplementary Act, the power is given to Local Governments. other than Bengal, to detain prisoners in jail. That power extends only to jail detention, and if it is desired to release a prisoner from jail detention and put him under milder forms of restraint, then he is ordinarily returned to the jurisdiction of the Government of Bengal.

Mr. Satyendra Chandra Mitra : In that case, the Honourable Member must know that there is no object in transferring a man from Regulation III to the Bengal Criminal Law Amendment Act when that man is transferred outside the province.

The Honourable Mr. J. Crerar No, Sir, in most cases there would be no object where a prisoner is detained outside the Presidency of Bengal.

Mr. Satyendra Chandra Mitra : Will the Honourable the Home Member kindly take it from me that in several cases prisoners were transferred from Regulation III to the Bengal Criminal Law Amendment Act and at the same time they were transferred outside the province ? My personal experience is such, and we were kept continually for 2 years and 10 months when there was no justification, as the Honourable Member says

The Honourable Mr J. Crerar : I am not quite sure that I quite understand the point placed by the Honourable Member, but the object of the provision which I referred to is this If the Government primarily responsible, the Government of Bengal, consider that in any particular case, the detention may be reduced from jail detention to milder forms, if that is the conclusion arrived at, there is in most cases no object in detaining a prisoner in a province other than his own province When, therefore, these provisions are put into operation, the prisoner is brought back to Bengal and there subjected to milder forms of restraint

Mr. A. Rangaswami Iyengar : Is the Honourable Member aware that a large number of prisoners who were originally detained under Regulation III were subsequently specifically put under this Act and sent to Burma ?

The Honourable Mr. J. Crerar: Yes, Sir, that is true; but, as I have said in the first part of my reply, I understood that the Honourable gentleman opposite was referring primarily to recent cases of transfer.

Mr. A. Rangaswami Iyengar: May I know, Sir, what is this mild form of restraint and what is the object that the Government have in view?

The Honourable Mr. J. Crerar: I think, Sir, the Honourable Member will find this sufficiently explained in the provisions of the Act.

Mr. A Rangaswami Iyengar: I want to know what is the reason for the change into the milder forms of restraint

The Honourable Mr. J. Crerar: I think I have already replied to that point. The reason for imposing milder forms of restraint is to mitigate the conditions of the prisoners concerned

Mr. A. Rangaswami Iyengar: No, Sir. I submit it is not an answer to my question—the object of a milder form of restraint is to give a milder form of restraint I want to know what the object is.

The Honourable Mr. J. Crerar: I really cannot take the Honourable Member's point Certainly the question which he put constrained me to give the reply which he indicates, namely, the object of milder forms of restraint is milder forms of restraint

Mr. A. Rangaswami Iyengar: I want to know what is the ground upon which Government determine when a man is put under a severe form of restraint he must at a particular time be put under a particular form of restraint Why is it that the Government want to do it and what are the conditions upon which these milder forms of restraint are given? What is the criterion?

The Honourable Mr. J. Crerar: The criteria are the facts and opinions formed by the Local Government with respect to the particular prisoner in question

Mr. A. Rangaswami Iyengar: Am I to take it that it is not the conditions of peace and order in the province, but the particular conduct of the detenu that governs the situation?

The Honourable Mr. J Crerar: In their relation to the question of peace and order.

REMOVAL OF MR. SATISH CHANDRA CHAKRAVARTY, A STATE PRISONER, TO CALCUTTA, TO UNDERGO AYURVEDIC TREATMENT FOR FILARIASIS.

1034 *__Mr. Satyendra Chandra Mitra__: (*a*) Is it a fact that Mr. Satish Chandra Chakravarty, State prisoner, now detained in Bassein Jail, contracted filaria while he was living in a cell at Moulmein Jail?

(*b*) Is it a fact that his disease has been declared incurable under the Allopathic system by the different Jail Superintendents while he was at Mandalay and he was permitted thereafter to take recourse to Ayurvedic treatment and that Kaviraj Shyamadas Bachaspati of Calcutta has given him an assurance that if he is kept under his treatment and personal supervision he may recover completely and in fact Mr Chakravarty has somewhat improved under the Kaviraj's treatment?

(c) Do the Government contemplate to bring Mr. Chakravarty to Calcutta and permit him facilities of personal visit and treatment by the said Kaviraj ?

The Honourable Mr. J. Crerar : I am making enquiries on the points raised by the Honourable Member and will inform him of the result.

GRANT OF TEMPORARY PERMISSION TO MR. BEPIN BEHARI GANGULY, A STATE PRISONER, TO VISIT HIS HOME.

1035. ***Mr. Satyendra Chandra Mitra** : (a) Have the Government received a petition from Mr. Bepin Behari Ganguly, a State prisoner now detained in Bassein Jail, praying for temporary permission to visit his home to protect his property, from being wrongly recorded in the name of other persons during the ensuing Cadastral Survey which is now proceeding in his district, his only brother who used to look after their affairs having died leaving only a helpless widow and a minor son ?

(b) If so, are they prepared to grant his prayer ?

The Honourable Mr. J. Crerar : (a) and (b) A petition has been received and is at present under consideration.

ASSAM BENGAL RAILWAY STATION AT SYLHET GHAT.

1036. ***Mr. Sris Chandra Dutta** : (a) Has the attention of the Government been drawn to the discussion held in a meeting of the Assam Legislative Council on the 20th July, 1927, over question No 61, regarding the Assam Bengal Railway Station at Sylhet Ghat ? If so, will the Government be pleased to state if it is the general rule that the Assam Government cannot move in the matter of removal of grievances of the travelling public brought to their notice by the Members of the Legislative Council, unless those matters are in the first instance considered by the Railway Advisory Committee of the Assam Bengal Railway ? Will the Government be pleased to define the relations between the said Railway and the Provincial Governments so far as the removal of grievances of the travelling public are concerned ?

(b) Are the Government prepared to advise the Provincial Governments whose jurisdictions are served by the Assam Bengal Railway to draw the attention of the Agent of the said Railway Company to the matter of removal of grievances of the travelling public and such other cognate matters which are brought before the meetings of the Provincial Councils ?

(c) Will the Government be pleased to state how many meetings of the Advisory Committee of the Assam Bengal Railway Company were held in 1926 and 1927 ?

Mr. A. A. L. Parsons : (a) and (b) Government have not yet seen the report of the discussion in the Assam Legislative Council referred to, and will send the Honourable Member a reply to parts (a) and (b) of his question when the proceedings of the Assam Council for the 20th July 1927 have been received.

(c) Three meetings of the Assam Bengal Railway Advisory Committee were held in 1926 No meetings are yet reported in 1

FENCING OF THE LINES ON THE KATAKHAL-LALABAZAR RAILWAY AND THE SYLHET-KULAURA BRANCH OF THE ASSAM BENGAL RAILWAY.

1037. *Mr. Sris Chandra Dutta : Will the Government be pleased to state the number of run-over cases during the years 1926 and 1927 by trains of cattle and men on the Katakhal-Lalabazar Railway line and the Sylhet-Kulaura Branch of the Assam Bengal Railway ? What steps do the Government propose to take for the fencing of the aforesaid lines ?

Mr. A. A. L. Parsons : The information is being collected and will be communicated to the Honourable Member in due course.

CONSTRUCTION OF THE HABIGANJ SHAISTHAGANJ BRANCH LINE OF THE ASSAM BENGAL RAILWAY.

1038. *Mr. Sris Chandra Dutta : Will the Government be pleased to state when the construction of the Habiganj-Shaisthaganj Branch line of the Assam Bengal Railway is proposed to be undertaken ?

Mr. A. A. L. Parsons . The line has been sanctioned, and it is hoped that construction will start this year and be completed early in 1929.

NUMBER OF POST OFFICES IN THE DISTRICTS OF SYLHET AND CACHAR.

1039. *Mr. Sris Chandra Dutta : Will the Government be pleased to state the total number of Post Offices in the districts of Sylhet and Cachar ? How many of them do not entertain peons and on what grounds ?

The Honourable Sir Bhupendra Nath Mitra : The information has been called for and will be furnished to the Honourable Member in due course.

ENHANCED RAILWAY FREIGHT ON SALT FROM THE SALT MINES AT WARCHA IN THE DISTRICT OF SHAHPUR.

1040. *Mr. M S Aney : (a) Will the Government be pleased to state whether the Railway Board has imposed any enhanced rate of railway freight on salt from the salt mines at Warcha in the District of Shahpur ?

(b) If so, will the Government be pleased to state :

(i) since when the enhanced rate was introduced,

(ii) what was the previous rate,

(iii) what is the enhanced rate and from what station and for what distance ?

(c) Will the Government be pleased to state what is the rate of railway freight for salt from the salt mines at Khewra in the District of Jhelum ?

(d) Will the Government be pleased to explain the reasons for imposing different rates of railway freight for the same article on the State-owned and State-managed Railway line ?

(e) Will the Government be pleased to give the figures showing the quantity of salt and the amount realised for railway freight on salt exported from Warcha railway station to stations beyond a distance of 100 miles for each month from 1st January 1927, to 31st July 1927 ?

(f) Are Government aware that the imposition of enhanced railway freight on salt from the Warcha salt mines has been prejudicial to the consumption of Warcha salt and facilitated the import of salt from the

Khewra mines in parts where salt from the Warcha mines was normally sold and consumed ?

(*g*) If the answer be in the affirmative, will the Government be pleased to state what steps they propose to take to prevent the trade and consumption of Warcha salt being prejudicially affected by the continuance of enhanced railway freight ?

The Honourable Sir Basil Blackett : As the answer is a very long one, I propose, with the Honourable Member's permission, to lay it on the table.

(*a*) The Railway Board have not imposed any enhanced rates.

The enhancement was made by the North-Western Railway.

(*b*) (*i*) The enhanced rate was introduced from 1st June 1927.

(*ii*) The previous rate was as follows :

For the first and up to 100 miles ..	.380	pies per maund per mile.
For [illegible] miles.	.220	pies per maund per mile.
For extra distances above 300 miles but not exceeding 600 miles to be added to the charge for 300 miles.	.130	pies per maund per mile.
For extra distances above 600 miles to be added to the charge for 600 miles.	.110	pies per maund per mile.

(*iii*) The enhanced rate which applies from Warcha is as follows :

For the first and up to 150 miles ..	380	pies per maund per mile.
For extra distances above 150 miles, but not exceeding 250 miles to be added to the charge for 150 miles.	333	pies per maund per mile.
For extra distances above 250 miles, but not exceeding 500 miles to be added to the charge for 250 miles.	200	pies per maund per mile.
For extra distances above 500 miles, *but not exceeding 700 miles to be* added to the charge for 500 miles.	.130	pies per maund per mile
For extra distances above 700 miles to be added to the charge for 700 miles	.100	pies per maund per mile.

(*c*) The rates described in the answer to (*b*) (*ii*) still apply to salt despatched from Khewra.

(*d*) The enhancement is due to the cost incurred in working the branch line between Gunjyal and Warcha, but it was at the instance of the Central Board of Revenue that the enhancement was made to fall upon long distance traffic and not upon local traffic The Board's motive was to attempt to discourage an excessive demand for Warcha Salt, coupled with a reduced demand for Khewra salt, from places to reach which Warcha salt has actually to pass Khewra ; this peculiarity in demand was causing

serious practical difficulties to the Salt Department. The Board was unwilling to meet the problem by raising the issue price of Warcha salt, since such a course would have affected local markets adversely as well as the more distant markets.

(*e*) and (*f*). A reference is reported to have been made to the Rates Advisory Committee, and the information asked for will doubtless become available in the course of the enquiries made by that Committee.

(*g*) The action to be taken by the Railway Board or Government upon the result of the reference to the Rates Advisory Committee cannot be anticipated now ; but it is fair to let it be known that if the rates for long distance traffic from Warcha and Khewra are again equalised, it may be thought necessary to find other means to discourage the excessive diversion of the demand for salt from Khewra to Warcha.

PROHIBITION AGAINST OFFICERS OF THE INDIAN MEDICAL DEPARTMENT JOINING THE ANGLO-INDIAN AND DOMICILED EUROPEAN ASSOCIATION

1041 ***Lieut.-Colonel H A. J. Gidney** : (*a*) Will the Government please state if it is a fact that officers of the Indian Medical Department are debarred from joining an avowedly non-political body, the Anglo-Indian and Domiciled European Association, All-India and Burma. on the plea that it is contrary to military law ?

(*b*) Is it a fact that military officers and men are allowed to be members of other similar Associations, *e.g.*, Masonic Lodges, the Y. M C. A., the Ex-Services Association, etc. ?

(*c*) Will the Honourable Member please inform me if there is any evidence to show that officers of the Indian Medical Department, who were members of the Anglo-Indian and Domiciled European Association till October 1924, were, at any time, drawn to movements of a political character which necessitated the issuing of the circular No. 476|3612-B -3641-B., dated 16th October, 1924, by the Director-General, Indian Medical Service, to the Surgeon Generals with the Local Governments ?

(*d*) Is the Honourable Member aware of the fact that most of the officers of the Indian Medical Service, the Royal Army Medical Corps and the Royal Air Force Medical Corps, are members of the British Medical Association ?

(*e*) Do Government intend to take immediate steps to prohibit these officers from being members of the British Medical Association ?

(*f*) If the reply to part (*e*) is in the negative, will the Honourable Member please state why a privilege is allowed to the superior offices which is denied to the subordinate services ?

Mr. G. M. Young : (*a*) Members of the Indian Medical Department are debarred by the operation of paragraph 203 of the Regulations for the Army in India from membership of the Anglo-Indian and Domiciled European Association In the view of the Government of India, the association is not an entirely non-political body.

(*b*) Military personnel are permitted to become members of the institutions mentioned by the Honourable Member : but he appears to be begging the question when he calls those institutions " similar ".

(*c*) There is no evidence of the kind suggested. The letter was issued because it was brought to notice that, under Regulations, military personnel are debarred from joining the Association.

(d) Yes.

(e) No.

(f) So far as I am aware there is nothing to prevent members of the Indian Medical Department from joining the British Medical Association, provided that they are eligible under the rules of that Association.

Lieut.-Colonel H. A. J. Gidney : Does military law permit of army officers becoming members of Trade or Labour Unions ? If not, will the Honourable Member please state why military medical commissioned officers are permitted to join the British Medical Association, which is entirely a Labour Union of the first order ?

Mr. G. M. Young : I must ask for notice of the first part of the question. The second part is a question that does not really concern the Government of India, as the British Medical Association is a body in the United Kingdom

Lieut.-Colonel H. A. J. Gidney : Are officers of the Army in India members of the British Medical Association in the United Kingdom ?

Mr. G. M. Young : Yes, Sir

Lieut.-Colonel H. A. J. Gidney : Then, is it right or is it permitted by military law for these officers of the Army to be members of a Labour Union anywhere—in the United Kingdom or India ?

†1042*—1047*.

NUMBER OF THE DEPRESSED CLASSES IN EACH BRITISH PROVINCE.

1048 *Mr M. S Aney : Will the Government be pleased to state the number of persons belonging to what are styled as depressed classes in each British Province according to the census of 1921 ?

The Honourable Mr. J. Crerar : The Honourable Member is referred to page 225 of the Census of India, 1921, Volume I, Part I A copy of this Report is in the Library of the Assembly

NUMBER OF THE DEPRESSED CLASSES EMPLOYED IN THE POLICE FORCE IN EACH PROVINCE.

1049 ***Mr. M S. Aney** : What is the numerical strength of depressed class men in each of the British Provinces in the Police force ?

The Honourable Mr. J. Crerar : Recruitment to the provincial police forces is a function of the Local Governments, and the Government of India are not in possession of information on the point.

EXCLUSION OF THE DEPRESSED CLASSES FROM THE POLICE FORCE.

1050. ***Mr. M. S. Aney** : (a) Is it the policy of the Government not to employ members of the depressed classes in the public service in general and the police service in particular, so long as the depressed classes are not treated as on an equal footing by all sections of the Hindu community ?

† Not put at the meeting, but the questions and the answers thereto will be found at pages 4316—18 of these proceedings

(b) Will the Government be pleased to state clearly whether it has issued instructions to the Local Governments in general and the Punjab Government in particular, to exclude the depressed classes altogether in the recruitment of the provincial police force on the ground that their employment for the present will impair the efficiency of the police service and be not in the best interest of the composition of the police force ?

The Honourable Mr. J. Crerar : (a) No.

(b) The Government of India have issued no such instructions.

Mr. M. S. Aney : May I bring to the notice of the Honourable Member that in reply to a question put on this point the Punjab Government have stated that recruitment of the depressed classes to the police service is not possible so long as they are not treated on a footing of equality by the Hindus ?

The Honourable Mr. J. Crerar : I am afraid I have not seen the answer to which the Honourable Member refers

Mr. M. S. Aney : Will the Honourable Member make inquiries in the matter ?

The Honourable Mr. J Crerar : As I have already explained, the recruitment to the provincial police force is a matter within the discretion of the Local Governments and I consider it unnecessary to ask for reports from the Local Governments on that point.

Mr. M. S. Aney : Am I to understand the Honourable Member's meaning to be that the Provincial Governments are at liberty to depart from the general policy laid down by the Government of India in the matter of recruitment ?

The Honourable Mr. J. Crerar : No, Sir ; if there is any general policy regulating the matter

†1051*—1052 *

HINDU-MUSLIM RIOTS SINCE 1920.

1053. ***Pandit Thakur Das Bhargava** : Will the Government be pleased to place a statement on the table giving the following particulars regarding Hindu-Muslim riots since 1920 .

(a) date of riot, (b) place, (c) cause of the riot,

(d) number and nature of the casualties on each side,

(e) legal proceedings taken in its connection, (f) the result of such proceedings ?

The Honourable Mr. J. Crerar : I regret that the Government have not got the full information which the Honourable Member asks for and its collection would involve elaborate enquiries all over India. I think however he will find that the statement laid on the table of this House on the 18th August 1926, together with the statement which I now lay on the table showing details of occurrences from the beginning of 1926

† *Not put at the meeting, but the questions and the answers thereto will be found at pages 4318—19 of these proceedings*

up-to date will give him a clear view of the number and nature of these unfortunate conflicts in recent times :

Date.	Place of occurrence.	Casualties.	Cause of disturbance
		1926.	
1st February 1926.	Agra City, United Provinces.	1 person roughly handled by hooligans.	....
7th February	Madhi in Pathardi Mahal, Ahmedna-gar district, Bombay.	6 persons slightly injured.	Dispute over a building called the temple of Kambhoba or Dargah of Hazrat Shah Ramzan in which both Hindus and Muhammadans have in past claimed and exercised rights
11th February	Barondi, Ratnagiri district, Bombay.	1 killed and 21 injured	Alleged playing of music before mosques by Hindu procession on Maha Shivratri day
12th/13th April	Rewari, Punjab	1 killed, several injured	Cause alleged to be playing of music before mosque by Hindu marriage procession A Muhammadan crowd also attempted to take a corpse in procession through main bazar.
2nd to 15th April.	Calcutta ..	46 killed and 675 injured.	The playing of music before mosque by a Hindu procession
14th/16th April	Sassaram, Shahabad, B and O.	2 killed and 15 injured	The trouble originally arose out of an individual quarrel between a Hindu and a Muhammadan followed by an attack on a gathering of Hindus and later the looting of shops
22nd April to 9th May.	Calcutta ..	67 killed and 395 injured.	The tense feeling resulting from the previous (*vide* above) rioting had not died down. The immediate cause of renewal of hostilities was a brawl between some Hindus and Muhammadans.
17th to 26th May.	Kharagpur, Bengal	Casulaties believed to be 11 killed and 32 injured.	Playing of music before a mosque by a Hindu funeral procession.
1st June ...	Hajinagar Paper Mills, 25 miles north of Calcutta	40 injured ..	Objection by Hindus to a Muhammadan passing a Hindu temple to fetch water.
14th/15th June	Rawalpindi City	16 killed and 90 injured.	Communal tension arising out of resentment of Muhammadans over the leasing of land in close proximity to the Juma Masjid for purposes of a cinema and the alleged playing of music by a Sikh procession while passing the mosque

Date.	Place of occurrence	Casualties	Cause of disturbance
		1926	
22nd June ..	Damoh, C. P.	7 injured .	Bakr-Id celebrations
22nd June .	A village in Darbhanga District	4 or 5 slightly injured	Ditto
Do. ..	Jhusi village near Allahabad.	1 killed and 9 injured.	Ditto.
Do. ..	Maksudpur, Thana Katra, Muzaffarpur District	4 injured .	Ditto.
23rd June ..	Singhasan Beniapatti Thana, Darbhanga District.	4 killed	
Do.	Shankarpur, Sursand Thana Sitamarhi Sub-Division, Muzaffarpur District.	No injuries reported	Bakr-Id celebrations.
Do. .	Bihar Sub-division	Do.	Ditto
Do ..	Gaya	Do	Ditto
Do. .	Sihali, Bara Banki District, U. P	9 injured ..	Bakr-Id celebrations. Hindus attempted to stop cow sacrifices by force
24th June .	Delhi .. .	3 killed 62 injured	Bakr-Id' celebrations. Immediate cause was the knocking down of a man by a run-away tonga in Khari Baoli
Do.	Gobindpore, Gaya Distrcit	Riot with murder: number of casualties not reported	Bakr-I l celebrations.
Do ..	Katra Thana, Muzaffarpur District	2 persons injured	Ditto
1st to 7th July	Pabna, Bengal ..	23 injured ..	The immediate cause is believed to be the taking of a Hindu procession with music past a mosque.
15th July ..	Karachi ..	11 injured ..	Alleged annoyances to some Hindus by a Jew convert to Islam.
11th and 15th to 25th July 1926.	Calcutta ..	28 killed and 226 injured	Disturbances in connection with Hindu religious Rath Jatra and Raj Rajeswari processions and the Muharram celebrations.
21st July ..	Purnea, B and O.	1 person injured	Mhuarram celebrations.
21st August ..	Andarsul, Taluka Yeola, District Nasik, Bombay.	Few persons injured slightly.	Playing of music before a mosque by a Hindu procession

Date.	Place of occurrence.	Casualties.	Cause of trouble.
27th August	Delhi ..	50 persons injured	The immediate cause was a quarrel between a Hindu Bank chaprassi and a Muhammedan shopkeeper who was instrumental in bringing about the dismissal of the former.
5th September	Kidderpore, Garden Reach, Calcutta.	13 injured (1 seriously).	Playing of music before a mosque by a Hindu religious (Janmastami) procession.
6th September	Madhi, Pathardi Mahal, Ahmednagar, District Bombay.	11 persons injured slightly.	Dispute in connection with a Hindu bullock procession in celebration of the annual 'Pola' festival.
8/10th September.	Dacca City, Bengal	8 killed and 72 injured.	Janmastami festival celebrations.
16th October	Calcutta ..	None reported ..	Dasahra celebrations.
Do. ..	Howrah ..	1 killed and 20 injured.	Ditto.
23rd December	Delhi City ..	1 killed and 4 injured.	Disturbances following the murder of Swami Shradhanand.
		1927.	
1st February	Kaganarai village, *North Arcot*, Madras.	1 killed and 7 *wounded.*	Ill-feeling between a wealthy Muhammadan *Mittadar and a wealthy* Hindu ryot.
17th February	Abdulpur in Bahadurganj town, Ghazipur District, U. P.	1 killed and 16 injured.	Immediate cause was a quarrel between a Muhammadan and a Hindu Halwai over the preparation of some food.
20th February	Bombay City ..	1 killed and 30 *injured.*	Music before mosque
2nd March ..	Ponabalia, Kulkati, Barisal District, Bengal.	17 killed and 12 injured.	Procession before mosque.
23rd March ..	Badlapur, Thana District, Bombay.	25 injured ..	Trouble arising out of a Muhammadan procession.
29th March ..	Larkana, Bombay	1 killed and 68 *taken to hospital.* (Number of other injured persons who are stated to have been treated by private practitioners is not known).	Dispute between Hindus and Muhammadans over the *possession* of a woman and 3 boys.

Date.	Place of occurrence.	Casualties.	Cause of trouble.
10th/11th April.	Aligarh ...	40 injured ..	Dispute between Muslim ekka drivers and Hindu parao contractors
3rd May ..	Surat, Bombay ..	1 killed and 58 injured.	Music before mosque.
3/7th May .	Lahore .	27 killed and 272 injured.	Tension between the two parties was already acute The actual outbreak was occasioned by a chance quarrel between a Muhammadan and two Sikhs.
11th June .	Dinapur, B. and O.	1 killed and 4 injured.	Cow sacrifice.
3/4th July ..	Some villages in Meherpur Subdivision, Nadia District, Bengal.	3 killed, 1 missing and 4 injured by gunshot and several others reported injured.	Communal ill-feeling culminating in attack by one party upon the other party's village, and counter-attack by the other party.
10th July	Sholapur, Bombay	43 injured .	Clash between Hindu Rath procession and Muhammadan Muharram Tiger procession.
Do. ..	Faizpur, East Khandesh, Bombay.	1 killed and 7 injured	Music before mosque.
Do. ..	Bareilly, U. P. ..	36 injurred ..	Muharram celebrations.
11th July ..	Murawan in Unao District, U. P.	1 killed and 13 injured.	Ditto.
11/14th July..	Multan, Punjab	12 killed and 18 injured	Ditto
13th July ..	Sandila in Hardoi District, U. P.	8 injured ..	Ditto.
About 13th July (exact date not specified).	Ballia, U. P ..	Few injured (number not reported)	Ditto.
2nd August ..	Bettiah town, Champaran District, B. and O.	13 killed and 80 wounded	Mahabiri procession.
4th August ..	Basim in Akola, C. P.	1 killed and 50 injured treated at hospital.	Friction arising out of Muharram celebrations and cow sacrifice
15th August .	Karepatan, Deogad Taluka, Ratnagiri District, Bombay.	4 injured ..	Gokul Ashtami celebrations.

Date.	Place of occurrence.	Casualties.	Cause of trouble.
19th August	Comilla, Bengal	2 killed and 33 injured.	Music before a mosque.
Do. ..	Mohamdi in Kheri District, U. P.	About 14 injured (exact number not known).	"Chehlum" and "Janmastami" celebrations coinciding.
21st August ..	Ichauli, Police Circle, Tikatinagar, 34 miles from Barabanki, U. P.	7 injured ..	"Ramdol" procession.
23rd August	Delhi	About 10 injured (exact number not known)	A Hindu died as the result of an attack in the train on the night of 21st/22nd Auhgust by a robber whose identity is not known. Rumour spread that his assailant was a Muhammadan and this led to disturbances during the funeral procession.
28th August	Bareilly, U. P. ..	13 killed and 107 injured admitted to hospital.	Procession passing a mosque.
29th August	Cawnpore, U. P.	1 killed and 56 injured.	....
4th September	Nagpur ..	19 killed and 123 injured admitted to hospital.	Trouble in connection with a Muhammadan procession.
11/12th September	Sholapur, Bombay	5 killed and 66 injured (exact number not known).	....

PLAYING OF MUSIC BEFORE OR NEAR MOSQUES.

1054. *Pandit Thakur Das Bhargava : Will the Government be pleased to lay on the table copies of the orders passed by various Government authorities in various places relating to the stoppage of or placing restrictions upon the playing of music before or near mosques ?

The Honourable Mr. J. Crerar : Any orders of this nature would ordinarily be passed by the local authorities in exercise of the powers conferred on them by section 144 of the Criminal Procedure Code and the provisions of the Police Act. Government have no copies of such orders which are passed in relation to particular local circumstances.

QUARREL DUE TO THE PLAYING OF MUSIC BEFORE MOSQUES.

1055. ***Pandit Thakur Das Bhargava** : Will the Government be pleased to lay on the table a statement of the places where quarrels have taken

place on the question of music before mosques, the date of the quarrel, the origin of the quarrel, the number and nature of casualties on each side, the proceedings taken by the Government and their results ?

The Honourable Mr. J. Crerar: I would refer the Honourable Member to the answer I have just given to his question No. 1053.

PROVISION OF EMPLOYMENT UNDER GOVERNMENT FOR CLERKS, ETC., OF THE ARMY CANTEEN BOARD.

1056. ***Rao Bahadur M. C. Rajah**: (*a*) Is it a fact that the Army Canteen Board (now in liquidation) was a company guaranteed by the Government of India ?

(*b*) Have the Government taken any steps to ensure that those clerks, etc., that have rendered useful services to the Board for several years are not thrown out of service without being provided elsewhere in other Government Departments where their experience can be utilised ? If so, what steps, and will those that have crossed the limit of 25 years of age be debarred from joining other Government departments as being over age ?

(*c*) Will the employees of the Canteen Board, when appointed in other Departments of the Government, be granted any advance increments or special personal pay so that they may not have to start from the bottom of a time-scale after several years of service in a quasi-Government office ?

(*d*) What efforts have the Government so far made to have the Indian clerks of the Board absorbed in permanent vacancies in the Indian Corps of Clerks and other military offices and with what result ?

(*e*) Are the Government prepared to reserve some of the future vacancies in the office of the Military Accountant General for suitable accounts clerks of the Board's office ? If not, why not ?

Mr. G. M. Young: (*a*) Yes.

(*b*) to (*e*) The terms of agreement under which these men were employed in the Army Canteen Board definitely laid down that employment was terminable at one month's notice Government cannot therefore accept any direct responsibility in the matter of their future employment nor can they grant any general exemption from the ordinary rules or reserve vacancies expressly for them in any office. They are, however, doing what they can to help individuals and ten Indian ex-employees of the Board have already obtained employment in Government offices.

BURGLARIES IN NEW DELHI.

1057 ***Rao Bahadur M. C. Rajah**: (*a*) Is it a fact that there is a general complaint of the residents of New Delhi regarding the frequent burglaries that have taken place there during the last 12 months ?

(*b*) Do the Government propose to issue instructions for granting more freely licences for guns and pistols for defensive purposes to the residents of the city ?

The Honourable Mr. J. Crerar: (*a*) Certain complaints of this nature have been received.

(*b*) I would refer the Honourable Member to the answer given by me on the 22nd August to a similar question by Mr. G. P. Singh.

FILLING OF SECOND DIVISION TEMPORARY AND OFFICIATING VACANCIES IN ARMY HEADQUARTERS.

1058. ***Rao Bahadur M. C. Rajah**: (*a*) Will the Government please state the number of second division temporary and officiating vacancies for which candidates were requisitioned by the various branches of the Army Headquarters from the Establishment Officer from the 1st November 1926 to 30th June 1927?

(*b*) In how many of these vacancies were unpassed candidates appointed and how many of them (unpassed men) were Muslims and how many Hindus?

Mr. G. M. Young: (*a*) 163.

(*b*) 82 46 of these were Hindus and 25 Muslims

†1059*—1061*.

QUESTIONS NOT PUT WITH ANSWERS TO THE SAME.

NAMES OF INFORMERS WHO SUPPLY INFORMATION TO GOVERNMENT IN REGARD TO INDIANS RESIDING IN AFGHANISTAN, RUSSIAN TERRITORY AND PERSIAN TERRITORY.

1015. ***Diwan Chaman Lall**: Will Government state the names of non-Indian or other informers who supply the Government with information:

(*a*) from Afghanistan,

(*b*) from Russian territory, and

(*c*) from Persian territory,

in regard to Indians residing in those countries?

Sir Denys Bray: I am not quite sure of the Honourable Member's purport If he desires to know how to get news of Indians abroad, His Majesty's representatives, who endeavour to keep in touch with all British subjects, British Indian subjects of course included, are always ready to exercise their good offices on their behalf. If his question refers to sources of information of any other kind, I regret I am unable to make any statement.

REPRESENTATION OF MUSLIMS IN NON-GAZETTED APPOINTMENTS IN THE ARCHAEOLOGICAL DEPARTMENT

1016 ***Maulvi Muhammad Yakub**: (*a*) Will the Government be pleased to state what is the total strength of the non-gazetted appointments both clerical and technical in the Archæological Department and how many of them are held by Moslems?

† Not put at the meeting, but the questions and answers thereto will be found at pages 4319—21 of these proceedings.

(*b*) How many new non-gazetted appointments both clerical and technical were created in the Department during the last three years and how many were given to Moslems ?

(c) Do Government propose to increase the number of Moslems in the Department in making future appointments both clerical and technical ?

Mr. A. R. Dalal : (*a*) There are 129 non-gazetted appointments in the Archaeological Department of which 28 are held by Moslems.

(*b*) From the beginning of the year 1925, 25 posts were filled in the Department out of which 5 were given to Moslems.

(*c*) Yes, provided that suitable qualified applicants are forthcoming.

EUROPEAN AND INDIAN RAIL MOTOR DRIVERS ON THE KALKA-SIMLA RAILWAY.

1017. ***Maulvi Muhammad Yakub** : (*a*) Will Government kindly state the strength of rail motor drivers on the Kalka-Simla Railway ? How many of them are Europeans and how many of them are Indians ?

(*b*) Is it a fact that there is differentiation between the grades of European rail motor drivers and Indian rail motor drivers, as well as in the uniforms supplied ? Is it a fact that a European rail motor driver starts on Rs 215 and goes up to Rs. 325, rising by Rs 15 annually, whereas an Indian rail motor driver starts on Rs. 100 and goes up to Rs. 175 only, rising by Rs. 10 annually ? Is it a fact that a European rail motor driver gets double uniform of what is supplied to an Indian rail motor driver ?

(*c*) Is it a fact that the nature of the duties between the two grades of rail motor drivers is exactly the same but the differentiation is only a racial one ?

(*d*) Is it a fact that one of the rail motor drivers in the European rail motor driver's grade is an Indian Christian and that for the sake of religion he has been given the European grade ?

(*e*) Are Government aware that there is considerable heartburning amongst Indian rail motor drivers on account of this invidious distinction in the grades ? Are Government also aware that some of the Indian rail motor drivers know English very well, and are well educated ?

(*f*) Are Government prepared to consider the desirability of relaxing this invidious distinction in the grades and making all the grades equal, so that those Indian drivers who have got the necessary literacy in English qualifications and do the same work as Europeans may have equal chances of promotion ?

Mr A. A. L Parsons : I am obtaining the information for the Honourable Member.

GRANT OF A LOCAL ALLOWANCE TO THE POSTMEN OF SIMLA

1018. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that the postmen at Simla are on the same scale of pay as the postmen of the first class Head Offices in the plains and get nothing extra to compensate them for the high cost of living at Simla ?

(*b*) Do Government propose some compensatory allowance for Simla postmen equal to that given to the clerks of the Telegraph Department ?

(*c*) Is it a fact that no local allowance is given to the postmen of Simla while other departments of the Government, including the post office clerks, are in the enjoyment of the same ? If the answer is in the negative, will the Government be pleased to state the reason for not giving a local allowance to the postmen at Simla ?

MEMORIAL OF THE POSTMEN OF SIMLA.

1021. ***Maulvi Muhammad Yakub** : Was any memorial received by the Director General of Posts and Telegraphs in India from the postmen of Simla ? If so, what action was taken on it ? If no action was taken, what was the reason ?

The Honourable Sir Bhupendra Nath Mitra : I propose with your permission, Sir, to answer questions Nos 1018 and 1021 together as they relate to the same case. The postmen at Simla are on the same scale of pay as those in the other 1st class Head offices in the Punjab and North West Frontier Circle, but whereas the former are provided with free quarters, the latter are given a house rent allowance of Rs. 5 a month. In none of the cases is a compensatory allowance granted. The postmen at Simla have submitted memorials to the Director-General on the subject of their emoluments and these are being considered in connection with a general scheme for the revision of the emoluments of such officials at all places where such a revision has not recently been carried out.

The answer to part (*c*) of question No. 1018 is in the affirmative, but as already pointed out, the postmen in Simla are provided with free quarters while clerks of the post office and other Government departments do not enjoy this concession.

PRIVILEGE LEAVE OF POSTMEN.

1019 ***Maulvi Muhammad Yakub** : Are postmen entitled to one month's privilege leave every year like the other Government servants ? If not, why not ?

Mr. H. A. Sams : No Government servant is ' entitled ' to leave. Postmen like other Government servants in superior service earn every year privilege leave or leave on average pay, according as they have elected to remain under the Civil Service Regulations or to come under the Fundamental Rules.

SYSTEM OF SENDING CASH FROM THE HEAD POST OFFICE IN SIMLA TO THE SUB-POST OFFICES.

1020. ***Maulvi Muhammad Yakub** : (*a*) What is the system of sending cash from the Head Post Office in Simla to the Sub-Post Offices ?

(*b*) Why is not the cash given in leather bags sealed by the Postmaster of the Head Post Office, to be opened by the Sub-Postmaster of the Sub-Post Office ?

(c) What are the arrangements for the protection and safety of the postmen and the cash when it is taken by a postman to distant places like Mashobra ?

(d) Do Government provide conveyance for the postmen when they have to take money to places over 5 miles ? If not, why not ?

Mr. H. A Sams : (a) Cash is remitted in sealed bags through the post and loose through head postmen and overseers.

(b) As the duty of giving cash in sealed leather bags is performed jointly by two responsible officials of the Head Office, it is not considered necessary to impose this duty on the Postmaster. In the Sub-Post office the cash bag is opened by the Sub-Posmaster.

(c) When a postman carries heavy remittances to places like Mashobra another official accompanies him

(d) Yes ; that is the rule I am however enquiring into the practice in respect of the outlying offices of the Simla Head Office.

CONTRIBUTIONS MADE BY THE DISTRICT BOARD OF HAZARIBAGH TOWARDS THE COST OF THE CONSTRUCTION OF THE JOINT RAILWAY AND DISTRICT BOARD BRIDGE OVER THE KONAR RIVER.

1042. ***Mr. Ram Narayan Singh** : (a) Will the Government be pleased to state the different amounts the District Board of Hazaribagh (Central India Coalfield Railway) was asked to pay on different occasions as the contribution of the cost of the construction of the Joint Railway and District Board Bridge over the Konar River in the district of Hazaribagh ?

(b) Are the Government aware that the District Board of Hazaribagh was put to a great difficulty in paying the said different amounts on different occasions owing to the uncertainty and inaccuracies of the estimate of the said construction of the said work and its consequent several necessary revisions ?

(c) Will Government be pleased to state the name or names of the engineer or engineers who prepared the estimate of the Bridge and the length of his or their experience ?

(d) Were the engineer or engineers taken to task for the preparation of such a bad and defective estimate ?

Mr. A A. L. Parsons : The required information is being obtained and a communication will be sent to the Honourable Member in due course.

SEARCH FOR MISSING CURRENCY NOTES BY THE CURRENCY OFFICE.

1043. ***Raja Raghunandan Prasad Singh** : (a) Is it a fact that the Currency Office has ceased any more to search for missing currency notes on being supplied with the numbers of such notes ? If so, why so ?

(b) If the answer to (a) be in the affirmative, do Government propose to re-introduce the practice for the convenience of the public ?

The Honourable Sir Basil Blackett : If the Honourable Member is referring to the maintenance of " stopped note " list at Currency offices,

I would invite his attention to the Government of India, Finance Department Resolution No. 523-F., dated the 12th November 1912. The reasons given therein for the abolition of that system still hold good and the Government do not propose to reintroduce it.

REFUNDS ON MISMATCHED, OR OTHERWISE DEFECTIVE CURRENCY NOTES.

1044. ***Raja Raghunandan Prasad Singh** : (*a*) Is it a fact that the Currency Office refuses any more to find out counterparts of mismatched halves of currency notes as it used to do before ? If so, why so ?

(*b*) If the answer to (*a*) be in the affirmative, do Government propose to restore the old practice in this behalf and, if necessary, charge reasonable remuneration for the extra service to be rendered by the Currency Office ?

The Honourable Sir Basil Blackett : The rules regarding refunds on mismatched or otherwise defective currency notes were published in the Gazette of India dated the 21st May 1927. Refunds can still be obtained on mismatched notes subject to certain conditions. The rules were issued after prolonged consideration and the Government do not propose to revert to the previous practice

INFANTILE MORTALITY.

1045. ***Raja Raghunandan Prasad Singh** : Will Government be pleased to lay on the table a statement showing the rates of infant mortality in the different provinces of British India during the last five years ?

Mr. G. S. Bajpai : A statement giving the information available is being placed on the table.

Statement showing the rates of infant mortality in the different provinces of British India during the five years ending 1925.

Provinces and Administrations.	Infant mortality per 1,000 of births during the years.				
	1921.	1922	1923.	1924.	1925.
Bengal Presidency.. ..	206·1	187·7	182·1	184·17	179·05
United Provinces . ..	265·8	183 8	169·4	191 99	175·51
Delhi	217·2	120 26	212·85	179 33	192·33
Assam	188·5	198·2	179·5	184·75	174·35
Bihar and Orissa . .	191·4	139 9	146·5	158 4	137·66
Madras Presidency .	166·0	166 4	173·7	179 21	180·94
Bombay Presidency .	178·1	169·1	159 7	191·17	162·01
Central Provinces . ..	279·5	228·7	220·3	234·94	204·44
Punjab .. .	191·6	169 6	196·62	212 57	187·71
North-West Frontier Province	·195	151 5	149·5	161·36	139·13
Burma	172	185 3	184·1	197·86	188·99
Coorg	225	272·5	217·3	331·03	293·56
Ajmer Merwara .. .	256·3	208 2	236 5	227·45	207·35
Total ..	197·9	175·1	175·56	188·66	174·40

ARTICLE IN THE *Searchlight* ON THE SUBJECT OF INCOME-TAX ADMINISTRATION.

1046. ***Raja Raghunandan Prasad Singh** : Has the attention of Government been drawn to the leading article in the *Searchlight* of Patna of a recent date on the subject of income-tax administration ? Will Government be pleased to say if they propose to institute an enquiry into the allegations contained therein ?

The Honourable Sir Basil Blackett : The Government have now seen the article in question They do not propose to institute any enquiry into the allegations made in it, but the Central Board of Revenue has already received and is considering a report upon them from the Commissioner of Income-tax.

ABOLITION OF THE BRANCH POST OFFICE AT BETWAN BAZAR, MONGHYR.

1047. ***Raja Raghunandan Prasad Singh** : Is it a fact that the Branch Post Office at Betwan Bazar, Monghyr (Bihar and Orissa) is likely to be abolished due to the man running the same having expressed his inability to do so any longer owing to the inadequacy of remuneration paid to him for the same ? If so, do Government propose to increase the remuneration so as to ensure the continuance of the office in question in view of its supplying a real local need ?

Mr H. A. Sams : The information has been called for and will be furnished to the Honourable Member in due course.

EMOLUMENTS OF CLERKS AND SORTERS IN THE RANGOON GENERAL POST OFFICE, AND CLERKS OF THE MOFUSSIL IN BURMA, AND SORTERS OF THE BURMA RAILWAY MAIL SERVICE.

1051. ***U. Tok Kyi** : (*a*) Is it a fact that prior to the introduction of the time-scale pay in the Post Office, the difference in the initial emoluments of clerks and sorters in the Rangoon General Post Office on the one hand and the clerks of the mofussil of Burma and the sorters of the Burma Railway Mail Service on the other was only Rs 10 ?

(*b*) Is it not a fact that the same initial difference in emoluments was recommended by the Postal Enquiry Committee ?

(*c*) Are the Government aware that the present initial difference in [illegible] a mofussil and Railway Mail [illegible] the Government be pleased [illegible] with the latest orders of the Burma Government on the subject as regards its own officials stationed in Rangoon and in the mofussil of Burma ? If not, are Government prepared to take early steps to rectify matters ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes, in respect of post office clerks, there was no difference in the case of Railway Mail Service sorters.

(*b*) The Postal Enquiry Committee recommended a difference of Rs 10 between the emoluments of the men stationed in Rangoon and those in the rest of Burma

(*c*) The answer to the first part is in the affirmative As regards the second part the revised rates of pay of postal clerks and sorters in

Rangoon and in the rest of Burma were worked out after due consideration of the rates allowed by the Local Government to their employees The third part does not arise.

REVISION OF THE PAY OF THE POSTMEN AND LOWER STAFF IN THE BURMA POST OFFICES AND THE RAILWAY MAIL SERVICE.

0 52. ***U. Tok Kyi**: Is it a fact that revision of pay of the postmen and lower staff in the Burma Post Offices and the R. M. S. is still under consideration ? If so, will the Government be pleased to state its reasons for not taking up the case of these lowly-paid men before any revision of the clerical cadre was contemplated ?

The Honourable Sir Bhupendra Nath Mitra: Yes, except in respect of postmen and mailguards in Rangoon where the pay has been revised. The Honourable Member's attention is invited to the relevant portion of my speech in this House on the 11th March last.

PROTECTION OF THE RIGHTS AND INTERESTS OF INDIANS RESIDENT IN TANGANYIKA.

1059. ***Mr. Gaya Prasad Singh**: (*a*) Has the attention of Government been drawn to the articles published in the *African Comrade* of Dar-u-Salaam, dated the 18th May 1927 (pages 3, 6, 11) in which it is stated that the "Kenya policy" is attempted to be introduced into Tanganyika as regards Asiatic settlement, in pursuance of a resolution passed by the East African Section of the London Chamber of Commerce ?

(*b*) Will Government be pleased to ascertain and quote the text of the Resolution referred to in (*a*) above ?

(*c*) Are Government aware that the speech of Sir Edward Grigg at Falmouth in this connection has given rise to considerable misgivings and anxieties in the minds of the Indian settlers in the East African Colonies ; and what steps have Government taken, or propose to take to protect the rights and interests of Indian residents against White settlers ?

Mr. G. S. Bajpai: Government have not seen, either the articles in the *African Comrade* newspaper of Dar-es-Salaam, referred to by the Honourable Member or the report of the speech of His Excellency Sir Edward Grigg said to have been delivered at Falmouth If the Honourable Member will supply me with the articles and the text of the speech I would endeavour to answer his question.

SEGREGATION OF INDIANS IN MOMBASSA.

1060. ***Mr. Gaya Prasad Singh**: Has the attention of the Government been drawn to the articles published in the *African Comrade*, dated the 23rd March 1927 (pages 4, 16) and dated the 30th March 1927 (pages 3, 9, 11), regarding the renewed scheme of segregation of Indians in Mombasa ; and will the Government be pleased to state the present position with regard to this subject, and also indicate the steps taken, or proposed to be taken, in this connection ?

Mr G S. Bajpai : Yes : the Honourable Member's attention is invited to the answers given by me to his question No. 55 and the connected supplementaries asked on the 22nd August 1927. I regret I am not in a position to add anything to what I said on that occasion.

CLAIMS OF INDIANS IN TANGANYIKA AGAINST GERMANY.

1061. ***Mr. Gaya Prasad Singh** : (*a*) Has the attention of the Government been drawn to the articles published in the *African Comrade*, dated the 9th March 1927 (pages 7, 9, 11, 13), and dated the 16th March 1927 (pages 5, 7, 9), regarding the debt claims of Indians in Tanganyika against Germany during the War ?

(*b*) Is it a fact that several test cases have been fought out against the German Government, in which the Tribunal has decided in favour of the Indian claimants, but that the German Clearing Office has declined to accept these awards as binding upon it in settling claims of a similar description ?

(*c*) Is it a fact that Germany has accepted and admitted the *locus standi* of the claimants to prefer their claims before the Tribunal as decided by the Allies and Associated Powers on the one hand, and Germany on the other in the Treaty of Versailles ?

(*d*) Are Government aware that instead of paying up the claims in full, the German Clearing Office has written to the claimants individually with offers of compromise on such miserably low terms as 25 per cent. ?

(*e*) Have Government taken any steps, or propose to take any, to render assistance to the Indian claimants in the realization of the war debts ?

Mr. W. T M. Wright : (*a*) The attention of Government has been drawn to the articles mentioned.

(*b*) The articles deal with the claims of Indians resident in Tanganyika Territory in respect of currency notes issued by the German East Africa Bank. As far as Government are aware no test case relating to such notes has been decided by the Anglo-German Mixed Arbitral Tribunal

(*c*) It does not rest with Germany to admit the *locus standi* of claimants to prefer their claims before the Tribunal. All such claims preferred within the period allowed [In India 8 months from the date of formal rejection by the Treuhander (Custodian's) Dept.] are accepted by the Tribunal and if the question of jurisdiction is raised by the German Government it is for the Tribunal to decide it.

(*d*) The claims in respect of the currency notes involve difficult questions of law and of the effect of depreciation of currency and it cannot be said what would be the decision of the Tribunal if the cases were fought out before it The offers of compromise referred to were made to the claimants after consultations at which the Custodian of Enemy Property, Tanganyika Territory, attended in the interests of British and Indian claimants in Tanganyika Territory and approved of the proposed offers It is understood that the offers of 25 per cent. of the face value of the notes are being made only in respect of notes acquired after 15th November, 1915, offers of 80 per cent. being made in respect of notes held before that date.

Taking into consideration the difficulties of the case and the uncertainty of the decision that would be given by the Tribunal it is doubtful if the offers can be characterised as inadequate. Similar offers have been made in all the claims in respect of such notes preferred to the Tribunal by claimants resident in India and have all been accepted. It is open to any claimant who is not disposed to accept the offer of compromise to fight out the case before the Mixed Arbitral Tribunal.

(*e*) The Government have endeavoured to keep themselves informed as to the progress of these claims generally and Sir, Darcy Lindsay who had interested himself in the matter was furnished with all the information in the possession of the Government that might be of assistance to the claimants in prosecuting their claims before the proper Tribunal. The claimants are aware of their legal remedy and it is not practicable for the Government of India to render them any further assistance in the matter.

UNSTARRED QUESTIONS AND ANSWERS.

High Death Rate among Postal Officials in the Jalpaiguri Postal Divison.

118. **Mr. Amar Nath Dutt** : (*a*) Has the attention of the Government been drawn to the articles published in the November 1926 and January 1927 issues of *Labour* under the captions " Premature decease " and " The Vale of Tears " ?

(*b*) Will the Government please lay on the table a comparative statement showing the names, designation age and illness of postal officials who died during the last six years while employed in the Jalpaiguri and Darjeeling Divisions ?

(*c*) Will the Government please furnish a similar statement of relatives and dependents of postal officials who died from illness during the last six years while postal officials to whom they were related were employed in the Jalpaiguri and Darjeeling Divisions ?

(*d*) Do not figures in the statement show that the death-rate among postal officials employed in the Jalpaiguri Division is abnormally high ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

Information relating to parts (*b*) to (*d*) is being collected and will be furnished to the Honourable Member in due course.

Safeguarding of the Lives of Postal Officials employed in the Jalpaiguri Postal Division.

119. **Mr. Amar Nath Dutt** : Has the attention of the Government been drawn to the interpellations put in the House of Commons on the 23rd May 1927 regarding the serious state of affairs in the Jalpaiguri Division ? If so, what action has been taken to safeguard the lives of postal officials employed in the Division ?

The Honourable Sir Bhupendra Nath Mitra : Yes The state of affairs in the Jalpaiguri Postal Division has attracted the attention of

the Director-General long before those interpellations An increase of 88 per cent. in the leave reserve for the Division has been arranged by the Director-General and other remedial measures are under his consideration.

INCREASE OF THE LEAVE RESERVES FOR THE JALPAIGURI POSTAL DIVISION.

120. **Mr. Amar Nath Dutt** : Is it a fact that in view of the extremely unhealthy condition of the Jalpaiguri Division the Postmaster-General had issued sanction by wire for the entertainment of 15 per cent. leave reserves in excess of the usual number sanctioned for all Postal Divisions on the recommendation of the Postal Enquiry Committee ? Has the sanction been given effect to ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : On account of the unhealthy climate of certain places in the Jalpaiguri Division the Government of India sanctioned the increase from 17 to 32 in the number of reserve clerks attached to that Division. Effect has been given to the sanction

ALLEVIATION OF THE DISTRESS AND SUFFERING OF POSTAL OFFICIALS EMPLOYED IN THE DOOARS AND THE TERAI.

121. **Mr. Amar Nath Dutt** : (1) In view of the extremely unhealthy condition of all localities situated within the Dooars and the Terai in the Jalpaiguri Division do the Government propose to adopt any of the following remedial measures as suggested in *Labour*, dated January 1927, page 502 :

I (*a*) That expert travelling doctors should be sanctioned for the Eastern Dooars, Western Dooars and the Terai.

(*b*) The number of relieving hands in the Jalpaiguri District should be increased by 50 per cent

(*c*) Sick officials should be transferred to healthier places.

(*d*) Suitable quarters should be provided at Jalpaiguri town to accommodate at least two patients with their families.

(*e*) All single-handed offices in the Dooars and the Terai should be increased by additional hands without any consideration of statistics.

(*f*) Suitable residential quarters should be constructed at all stations in the District for postal officials of all classes and the rent be fixed at 10 per cent of pay or interest on capital outlay, whichever is less.

II. (*a*) That the compensatory allowance sanctioned for the Dooars and Terai should be increased to Rs. 40 for men of the clerical cadre and to Rs 20 for men below that cadre

(*b*) Suitable compensatory allowance should be sanctioned for Inspectors and Overseers required to tour in the Dooars and the Terai.

(2) If not, what measures do the Government propose to adopt for alleviating the distress and suffering of postal officials employed in Post Offices situated in the Dooars and the Terai ?

The Honourable Sir Bhupendra Nath Mitra : All the remedial measures suggested in the issue of *Labour* of January, 1927, are being

examined by the *Director-General* and certain action in this direction has already been taken.

REVISION OF THE TIME TEST OF DEAD LETTER OFFICES.

122. **Mr. Sris Chandra Dutta** : With reference to the assurance given by the Director-General of Posts and Telegraphs in the last Session of the Assembly that the time-test of Dead Letter Offices is under revision will the Government be pleased to state if the revision has been completed and with what result ? If not when may completion be expected ?

Mr. H A. Sams : The question is still under consideration and it cannot be stated at present when a final decision on the matter will be arrived at.

NIGHT DUTY IN THE MUNSHIGUNJ POST OFFICE.

123. **Mr. Sris Chandra Dutta** : Has the attention of Government been drawn to page 92 of *Labour*, April 1927, *apropos* night duty in the Munshigunj Post Office (Dacca District) ? If so, what measures have been taken to afford relief or compensation to the officials affected ?

Mr. H. A. Sams : The information has been called for and will be furnished to the Honourable Member in due course.

TREATMENT OF HIS STAFF BY THE SUPERINTENDENT OF POST OFFICES, HOOGLY DIVISION.

124. **Mr. Sris Chandra Dutta** : (*a*) Has the attention of Government been drawn to pages 65, 66 and 145 of *Labour*, March and May 1927 regarding treatment of men under his charge by the Superintendent of Post Offices, Hoogly Division ? Are the facts related therein substantially correct ? If so what action do Government propose to take for affording relief and redress to the aggrieved staff ? Is the Superintendent's appointment permanent at Rangpur Division and if so why has he been retained in the Hooghly Division ? Is no other Superintendent competent to administer the Division ?

(*b*) Is it a fact that orders have been issued by Director-General of Posts and Telegraphs for prompt relief of men who report sick and submit applications for leave on medical grounds duly supported by medical certificate ? If so, what action has been taken against the Superintendent who is alleged to have ignored or contravened the Director-General's order ?

(*c*) What action was taken against the Superintendent of Post Offices, Hooghly Division, for ignoring the Director-General's orders in respect of the Sub-Postmaster, Baly as alleged in page 145, *Labour*, May, 1927 ?

Mr. H. A. Sams : The information is being collected and will be furnished to the Honourable Member in due course.

CASE OF MR. HARIHAR PRASAD.

125 **Mr. Sris Chandra Dutta** : Are the facts relating to Mr. Harihar Prasad narrated on page 142 of *Labour*, May 1927, substantially correct ? If so, are the Government prepared to consider a review of his case ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : The attention of the Honourable Member is invited to the reply given by me on the 31st August, 1927, to Mr. Ganganand Sinha's starred questions Nos. 712 and 715 to 721.

INORDINATE DELAY IN THE APPEALS OF POSTAL EMPLOYEES.

126. **Mr. Sris Chandra Dutta** : Has the attention of Government been drawn to page 214 of *Labour,* June 1927 *apropos* inordinate delay in the disposal of appeals ? Will Government please lay on the table a statement of appeals pending over three years from each circle separately with reason for delay in every case ?

The Honourable Sir Bhupendra Nath Mitra : The reply to the first part of the question is in the affirmative. As regards the second part I would inform the Honourable Member that there are no appeals pending for over 3 years in the Director-General's office.

SORTING WORK IN THE AMHERST STREET, BOW BAZAR AND BEADON STREET POST OFFICES.

127. **Mr. Sris Chandra Dutta** : (*a*) Is it a fact that with a view to cope with the voluminous work in connection with the large number of newspapers and periodicals posted at the Amherst St., Bow Bazar and Beadon St T. S. Os., also for preliminary sorting one sorter from the Calcutta Sorting office used to be deputed to each of these offices during the past several years ?

(*b*) Has the practice of deputing sorters to these offices for sorting newspapers and periodicals for preliminary sorting of letters, been discontinued ?

(*c*) If the reply be in the affirmative will the Government please state how the work is being managed since the discontinuance of the practice ?

(*d*) Is the staff of each post office regulated according to a fixed standard called " Time-test " ?

(*e*) Is the work in connection with newspapers and periodicals and also preliminary work included in the time-test ?

(*f*) If so, where was the necessity for deputing a sorter from the Calcutta Sorting Office to the T. S. O.'s mentioned above for coping with work ?

(*g*) If not, do the Government propose to increase the staff of these offices adequately for purposes of the additional work thrown on them ?

(*h*) If not, why not ?

Mr. H. A. Sams : The information has been called for and will be furnished to the Honourable Member in due course.

SITUATION AND CONDITION OF THE BOW BAZAR POST OFFICE BUILDING.

128. **Mr. Sris Chandra Dutt** (*a*) Has the attention of Government been drawn to the paragraph published at page 513 of *Labour,* dated January 1926, regarding the situation and condition of the Bow Bazar Post Office building ?

(*b*) Are the statements made in the paragraph substantially correct ?

(*c*) If so, do the Government propose to remove the Bow Bazar T. S. O. to a more suitable building at an early date for the convenience of the staff as well as of the public ?

(*d*) If not, why not ?

Mr. H. A. Sams : (*a*) and (*b*). Yes.

(*c*) The question of extending office is under consideration.

(*d*) Does not arise.

MOTION FOR ADJOURNMENT.

SERIOUS SITUATION IN THE BENGAL NAGPUR RAILWAY WORKSHOPS AT KHARAGPUR

Mr. President : I have received the following notice of motion for adjournment of the business of the Assembly from Mr. M. K. Acharya :

"I desire after question time to-day to make a motion for the adjournment of the business of the Assembly to discuss a definite matter of urgent public importance, namely, the serious situation that has arisen in the Bengal Nagpur Railway workshops at Kharagpur as evidenced by the fact that the railway authorities have thought it necessary to lock up the workshops and call in the aid of military police for patrolling the streets and guarding the workshops."

When I ruled out of order the Honourable Member's motion on the same subject the other day, I had hoped that the situation would improve. Unfortunately, however, I find that by the recent action of the railway authorities the situation has become worse. I am, therefore, inclined to admit this motion unless the Honourable the Commerce Member satisfies the Chair that the motion is out of order.

The Honourable Sir George Rainy (Member for Commerce and Railways) : I do not wish, Mr President, to raise any objection to the moving of this motion.

Mr. President : I rule that the motion is in order and ask whether the Honourable Member has the leave of this Assembly to move the adjournment.

(No Honourable Member rose to object to the motion.)

As no Honourable Member objects to the motion for adjournment, I intimate that leave is granted and the motion will be taken up at 4 o'clock

PRESENTATION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir Basil Blackett (Finance Member) Sir, I present the Report of the Public Accounts Committee.

THE CRIMINAL LAW AMENDMENT BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

The Honourable Mr. J. Crerar (Home Member) · Sir, I present the Report of the Select Committee on the Criminal Law Amendment Bill

STATEMENT LAID ON THE TABLE

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I lay on the table a statement furnished by the High Commissioner for India showing all cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India during the half year ending 30th June, 1927.

HIGH COMMISSIO

INDIA STORE

Abstract of cases in which Tenders for Stores demanded by the Central Govern goods demanded, were accepted on the grounds of superior quality, superior delivery, etc.

HALF YEAR ENDING

PART A.—*Cases in which lower foreign tenders, including British tenders for ten*

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Buffers No. 2,000	F. 4361/5944/20-1-27	H. J. Skelton & Co ..	7,500 0 0 Hungarian.
Buffers No. 1,000	F. 4917/5944/23-2-27	P. & W. MacLellan ..	3,975 0 0 British.
		Total ..	11,475 0 0
Laminated Bearing Springs.	F. 4882/7187/19-2-27	Jonas Woodhead & Sons, Ltd.	427 10 0 British.
Postcard Board 1,000 tons.	G. 274/7411/29-4-27	L. S. Dixon & Co. ..	11,943 15 0 German.
	G. 275/7411/29-4-27	Jas. Cropper & Co. ..	12,250 0 0 British.
		Total ..	24,193 15 0
Muriate of Ammonia 700 Cwts.	G. 586/960/24-5-27	Brunner Mond & Co.	612 10 0

NER FOR INDIA.

DEPARTMENT.

ment, other than the lowest complying with the technical description of the trustworthiness of the firm tendering, greater facility of inspection, quicker

30TH JUNE 1927.

foreign made goods, have been set aside wholly or partially in favour of British ders.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d.	
11,250 0 0 Hungarian.	The lowest tenderer, Messrs. H. J. Skelton & Co., offered buffers to be manufactured at a works near Buda Pesth which had had no experience of the class of work required under the present contract. It was therefore not considered advisable to entrust the whole order to this firm, and one third of the order was placed with the next lowest tenderer, Messrs. P. and W. MacLellan, who could be relied upon to supply satisfactorily and within a reasonable time.
412 10 0 German.	The lowest tender was from a firm which offered German springs for delivery in 12/14 weeks. The works at which it was proposed to manufacture the springs had already several contracts in hand for springs for the Indian State Railways, and were in arrears as regards delivery. It was thought advisable to place the order with the second lowest tenderer who offered delivery in 8 weeks.
23,887 10 0 German. 24,000 0 0 Austrian.	The Indenting Officer was on deputation in England and opportunity was taken to discuss these tenders with him. As in the light of previous experience, the indentor preferred the boards offered by Messrs. Jas. Cropper & Co., the order was on this occasion divided equally between Messrs. Cropper and the lowest tenderer Messrs L. S. Dixon & Co., in order to secure further trial and experience.
599 7 6 German.	The extra cost of inspection if the lowest tender had been accepted would have been more than the difference in price between that tender and the tender accepted.

PART B.—*Cases in which the discrimina*

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract
			£ s d
Paint, Copper Red	F. 4274/2458/14-1-27	Lewis Berger & Sons, Ltd. (1 Ton)	19 5 0
	F 4275/2458/14-1-27	Szerelmey, Ltd (5 Tons)	150 0 0
		Total	169 5 0
Waistcoats, Cardigan.	F 4763/5162/9-2-27	Bent & Watson, Ltd	1,546 17 6
Junction Fishplates of cast manganese Steel.	F 4982/6673/2-3-27	Head Wrightson & Co	386 5 0
	F 4983/6673/2-3-27	Hadfields	6,478 15 0
		Total	6,865 0 0

tion is between British firms only.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d.	
	The indentor demanded 6 tons of Szerelmey's paint. Competitive tenders were invited and two firms quoted lower prices than Szerelmey and submitted samples which compared favourably with those offered by the latter firm.
115 10 0	It is known that actual experience in use is the only safe test and accordingly a trial order of 1 ton was placed with the lowest firm, the balance of 5 tons being ordered from Messrs. Szerelmey, Ltd.
1,442 14 2	The indent stated that the cardigan waistcoats were required in India not later than the 31st December 1926 They were originally ordered from a firm which proved to be unable to deliver satisfactory supplies. Part of the original order was therefore cancelled, and fresh tenders were obtained. Of these tenders the lowest offered delivery in instalments to commence in 4 weeks and to be completed in 18 weeks In view of the urgency of the demand and of the delay which had occurred, this delivery was considered to be too long, and the order was accordingly placed with the second lowest tenderer who was known to be reliable and who undertook to complete in 16 to 20 days
6,278 19 2	The manufacture of junction fishplates of cast manganese steel is work of a very special nature. The lowest tenderer had not previously made fishplates of this Material. The bulk of the order was accordingly given to the next lowest tenderer who had previously made large supplies satisfactorily but at the same time a trial order was given to the lowest tenderer.

PART C.—*Cases in which the discri*

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Paper envelope— 42 Tons ..	G. 276/7409/29-4-27 ..	Ed. Beer & Co. ..	1,186 10 0 (Austrian).
100 Tons ..	G. 278/7409/29-4-27 ..	Spicers, Ltd.	2,925 0 0 (Belgian).
100 Tons ..	G. 277/7409/29-4-27 ..	L. S. Dixon & Co. ..	3,165 0 0 (Finland).
100 Tons ..	G. 279/7409/29-4-27 ..	Wm. Hartmann, Ltd. ..	3,200 0 0 (Austrian).
100 Tons ..	G. 280/7409/29-4-27 ..	H. Reeve Angel & Co. A. B.	3,250 0 0 (Swedish).
		Total ..	13,726 10 0
Steel Dogspikes— No. 1,500,000	G. 749/1059/8-6-27 ..	Ste. Ame. des Usines Gilson & Ste. Ame. des Usines Boulonneries et Etirage de la Louviere.	4,191 15 11 (Belgian).
Steel Dogspikes— No. 500,000 ..	G. 750/1059/8-6-27 ..	Ste. Ame. des Laminoirs et Boulonneries du Ruau	1,409 9 8 (Belgian).
		Total	5,601 5 7

mination is between Foreign firms only.

Lowest tender not accepted.	Reason for acceptance.
£ s. d.	
..	The indenting officer was on deputation in England and opportunity was taken to discuss the tenders with him. In accordance with his wishes the contract was divided as shown between the five lowest tenderers, in order that a trial could be made of the different qualities of paper offered.
12,500 0 0 (Austrian).	
..	The delivery offered by the lowest tenderer would not have satisfied the Indenting Officer's requirements had the contract for the full quantity been placed with that firm. The order was therefore divided between the two lowest tenderers.
5,589 1 0 (Belgian) for No. 2,000,000	

APPOINTMENT OF A COMMITTEE TO CONSIDER THE QUESTION OF RESIDENCE AND ACCOMMODATION FOR MEMBERS OF THE INDIAN LEGISLATURE.

Mr. President : The House will now resume further consideration of the following motion moved by the Honourable Sir Bhupendra Nath Mitra on the 5th September 1927 .

"That the Honourable the President do appoint six members of this House to serve on a Committee to consider the question of residence and accommodation for Members of the Indian Legislature, including the use and disposal of the Western Hostel, New Delhi, and that the Council of State be asked to nominate members to serve on the Committee "

Sir Hari Singh Gour (Central Provinces Hindi Division : Non-Muhammadan) · Sir, I beg to move the following amendment to the Honourable Member's Resolution .

"That after the words 'New Delhi' the following be inserted .

'and the question of constituting a Standing House Committee to deal with all matters connected with the allotment to Members of accommodation or quarters available for their residence ' "

Sir, I need not take up the time of this House because the Honourable Members will remember that I have said all that I had to say on the last occasion when the Honourable Sir Bhupendra Nath Mitra moved his original motion. I pointed out then that we have a somewhat similar Committee in charge of the accommodation and comforts of the Honourable Members, but it never functions. And I now wish that a formal motion in the shape of an amendment be accepted by this House so that this Committee may consider the advisability of re-instating that defunct Committee. Sir, I move.

Mr. P. B. Haigh (Bombay . Nominated Official) : Sir, I desire to oppose this amendment I wish to make it quite plain at the outset that I have no objection to raise to the appointment of a Standing House Committee to function in Delhi or in Simla after the Session is begun. But what I do strongly object to is that this Standing House Committee should be entrusted with the business of allotting quarters to Members. I do not suggest for a moment that, if you appoint a committee for that purpose, they will not do their work with the best good will and as speedily as possible. The point I wish to make clear is that the proposal is not feasible.

Mr. President : Perhaps the Honourable Member seems to have misunderstood the scope of the amendment of Sir Hari Singh Gour. All that the amendment seeks is that this particular Committee which is proposed to be nominated by the Honourable the President should also be empowered to consider the question of constituting a Standing House Committee to deal with certain matters and formulate their recommendations which Government might or might not accept.

Mr. P. B. Haigh : Sir, I ask your permission to lay before the House at this stage, before the matter goes before the Committee which you are to appoint, the view which, I think, is shared by several Members on this

side of the House and I do not think we shall have another opportunity of putting that view before the Committee. What I wish to point out is this, that the date of the meetings of the Assembly is not always fixed very long before hand.. When the list of the dates is fixed, it is customary for the Secretary of the Legislative Department to circularise all Members of the Assembly and to send them out forms inviting their applications for accommodation. Those forms are not received filled in until a short time before the Assembly meets and the work has necessarily to be done towards the end in a few days. Now, how is the Committee to deal with that ? The members of the Committee will presumably include non-officials and probably they will not be present in Delhi at all. The work cannot be done by correspondence and the consequence is that the matter will be delayed and Honourable Members will arrive in Delhi or Simla to find at the very last minute that accommodation has not been settled and all sorts of confusion and discontentment will arise. I therefore submit that this point of view may be borne in mind by the Committee which you are about to appoint and, if possible, I would like this House to record its opinion that this question of allotment should not be entrusted to the members of this Committee Sir, I oppose the motion. (Applause)

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, my Honourable friend Mr Haigh has drawn the attention of the House to certain practical difficulties which may stand in the way of the adoption of the amendment moved by my Honourable friend from Nagpur. At the same time, there is considerable force in the observations which you made, namely, that what my Honourable friend Sir Hari Singh Gour wants is that this Committee which will be nominated by you should go into this particular question. Therefore, neither the [illegible] this pro- [illegible] of whose [illegible] quarters [illegible] of Government I am not prepared to oppose the amendment of my Honourable friend from Nagpur. At the same time it is a fact that there is a considerable amount of feeling on this question on the part of certain Honourable Members, particularly official Members who come up from the provinces. In view of this feeling, Government would leave the matter to be settled by the free vote of the House. (Hear, hear.)

Mr. President : The original motion was :

"That the Honourable the President do appoint six members of this House to serve on a Committee to consider the question of residence and accommodation for Members of the Indian Legislature, including the use and disposal of the Western Hostel, New Delhi, and that the Council of State be asked to nominate members to serve on the Committee "

Since which the following amendment has been moved :

" That after the words ' New Delhi ', the following be inserted :

' and the question of constituting a Standing House Committee to deal with all matters connected with the allotment to Members of accommodation or quarters available for their residence ' "

The question is that that amendment be made.

The Assembly divided :

AYES—52.

Abdullah Haji Kasim, Khan Bahadur Haji.
Acharya, Mr. M. K.
Ahmed, Mr. K.
Aiyangar, Mr. C. Duraiswamy.
Aney, Mr. M. S.
Ayyangar, Mr. M. S Sesha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Belvi, Mr D V.
Bhargava, Pandit Thakur Das
Blackett, The Honourable Sir Basil.
Chalmers, Mr T A.
Chaman Lall, Diwan.
Chetty, Mr. R. K. Shanmukham.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Das, Mr. B.
Das, Pandit Nilakantha
Dutta, Mr. Srish Chandra.
Gidney, Lieut-Colonel H. A. J.
Goswami, Mr. T C.
Gour, Sir Hari Singh
Gulab Singh, Sardar.
Haji, Mr Sarabhai Nemchand
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr S. Srinivasa
Joshi, Mr N. M
Jowahir Singh, Sardar Bahadur Sardar.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr Dhirendra Kanta.
Lamb, Mr. W. S
Mehta, Mr Jamnadas M.
Mitra, Mr Satyendra Chandra.
Mitra, The Honourable Sir Bhupendra Nath
Moonje, Dr. B. S
Mukherjee, Mr S. C.
Mukhtar Singh, Mr.
Neogy, Mr. K. C
Parsons, Mr. A. A. L.
Rainy, The Honourable Sir George
Rang Behari Lal, Lala.
Rao, Mr. G Sarvotham.
Roy, Mr. K. C
Sams, Mr. H A.
Shervani, Mr. T. A. K.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr Narayan Prasad.
Singh, Rai Bahadur S N.
Sinha, Mr. Siddheswar
Sykes, Mr. E F
Yakub, Maulvi Muhammad.
Young, Mr. G M

NOES—22

Ahmad, Khan Bahadur Nasir-ud-din
Alexander, Mr. William.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.
Ayangar, Mr. V. K. Aravamudha.
Bajpai, Mr G. S.
Bray, Sir Denys
Coatman, Mr. J.
Cosgrave, Mr W. A.
Courtenay, Mr. R H.
Crerar, The Honourable Mr. J.
Crofton, Mr R M.
Dalal, Mr. A R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J T.
Dunnett, Mr. J. M.
Haigh, Mr. P. B.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Kirk, Mr. R T. F.
Rajah, Rao Bahadur M C.
Sassoon, Sir Victor.
Tonkinson, Mr. H.

The motion was adopted.

Mr. President : The motion, as amended, runs as follows :

"That the Honourable the President do appoint six members of this House to serve on a Committee to consider the question of residence and accommodation for Members of the Indian Legislature, including the use and disposal of the Western Hostel, New Delhi, and the question of constituting a Standing House Committee to deal with all matters connected with the allotment to Members of accommodation or quarters available for their residence, and that the Council of State be asked to nominate members to serve on the Committee ".

The question I have to put is that the motion, as amended, be adopted.

The motion was adopted.

THE INDIAN INCOME-TAX (SECOND AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 2, 23, 28, ETC.)

The Honourable Sir Basil Blackett (Finance Member) : Sir, I move that the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (amendment of sections 2, 23, 28, etc.), be circulated for the purpose of eliciting opinions thereon

This is a Bill designed to do something towards checking what is known as legal evasion of income-tax and super-tax. The provisions of the Bill are technical and obviously the first requisite is that the Bill should be circulated and public opinion elicited thereon. I do not know whether the House desires that I should enter at this stage into the details of the Bill and, on the assumption that they would prefer to be spared from having that done, I will confine myself to moving that the Bill be circulated.

Mr. C. Duraiswamy Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, as this motion is only for circulation I do not propose to detain the House by any detailed examination of the Bill. But at the same time I want to know from the Honourable the Finance Member what are the principles involved in the Bill which he has brought before the House, so that we may get some opinions from the persons to whom the Bill is to be circulated. For instance, I do not find on what principle section 23A is to be added here, giving liberty to the Income-tax Officer either to levy the tax on the income of the individual member of a firm separately or on the profits of the firm as a whole. Is it on the principle of getting as much money as possible ? If the individual member is otherwise not assessable, then add this profits amount to his income and the Income-tax Officer will have the discretion to levy income-tax on the individual separately. If, on the other hand, there is a likelihood of individual members being assessable for their share in the profits of the firm, in addition to their private income-tax, then I suppose it will be upon the firm that the income-tax will be assessable. Is that the principle involved ? Is the discretion to be given to the Income-tax Officer to get some tax by hook or by crook, either by levying the tax on the firm or on the individual members separately, according as such income-tax will be enhanced by such a discretion being exercised ?

Again, in clause 5, I am unable to understand why in 28 (2), because some partners who are not able to get the profits distributed to them on account of some dispute in the firm, everyone should be penalised not only by making them pay the income-tax which they would otherwise

The Assembly divided :

AYES—52.

Abdullah Haji Kasim, Khan Bahadur Haji.
Acharya, Mr. M. K.
Ahmed, Mr K.
Aiyangar, Mr. C Duraiswamy.
Aney, Mr. M. S
Ayyangar, Mr M. S. Sesha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Belvi, Mr D. V
Bhargava, Pandit Thakur Das
Blackett, The Honourable Sir Basil.
Chalmers, Mr. T A
Chaman Lall, Diwan.
Chetty, Mr. R. K. Shanmukham
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Das, Mr. B.
Das, Pandit Nilakantha
Dutta, Mr. Srish Chandra
Gidney, Lieut.-Colonel H. A. J.
Goswami, Mr T. C.
Gour, Sir Hari Singh.
Gulab Singh, Sardar.
Haji, Mr Sarabhai Nemchand.
Iyengar, Mr. A. Rangaswami
Iyengar, Mr S Srinivasa.
Joshi, Mr. N M.
Jowahir Singh, Sardar Bahadur Sardar.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr. Dhirendra Kanta.
Lamb, Mr. W. S.
Mehta, Mr. Jamnadas M.
Mitra, Mr. Satyendra Chandra.
Mitra, The Honourable Sir Bhupendra Nath
Moonje, Dr. B. S
Mukherjee, Mr. S. C.
Mukhtar Singh, Mr.
Neogy, Mr. K. C.
Parsons, Mr A. A. L.
Rainy, The Honourable Sir George.
Rang Behari Lal, Lala.
Rao, Mr. G Sarvotham
Roy, Mr K. C.
Sams, Mr H A.
Shervani, Mr T. A. K.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Narayan Prasad.
Singh, Rai Bahadur S N.
Sinha, Mr. Siddheswar
Sykes, Mr. E. F.
Yakub, Maulvi Muhammad.
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NOES—22

Ahmad, Khan Bahadur Nasir-ud-din.
Alexander, Mr William.
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Bajpai, Mr. G. S.
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Coatman, Mr. J.
Cosgrave, Mr W. A.
Courtenay, Mr. R. H.
Crerar, The Honourable Mr. J.
Crofton, Mr. R. M
Dalal, Mr. A R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr. J. M.
Haigh, Mr. P. B.
Kabul Singh Bahadur, Captain.
Keane, Mr M.
Kirk, Mr. R. T. F.
Rajah, Rao Bahadur M. C
Sassoon, Sir Victor.
Tonkinson, Mr H

The motion was adopted.

Statute-book. As such this House passed that very important measure, the Succession Act. We have also had one or two minor Acts like the Criminal Tribes Act and one or two others of a similar consolidating character. Following that policy the Committee decided to consolidate the Indian Forests Act, and if Honourable Members will turn to the copy in their hands they will find from the schedule at page 25 that no less than eight different Acts of the Legislature are affected by this measure. I submitted on the last occasion, when a motion was moved by one of the Honourable Members of this House for reference to a Select Committee, that no principle other than the principle of consolidation could be gone into because the purpose and object of consolidation is nothing more than mere consolidation This House was anxious to consider whether the Bill was purely a consolidating measure or anything more The Select Committee have since held their sittings and some members wanted to discuss principles and suggest amendments. You, Sir, on the last occasion ruled that it is not the purpose of a purely consolidating measure to revise and amend its underlying principles, and the Chairman of the Select Committee has also ruled to the same effect. We discussed, Sir, the two main points that were raised by one of the members of the Select Committee; one was the retention of section 34 of the old Act VII of 1878, and the other was a slight verbal change made in section 42 of the Act Now the Select Committee have fully dealt with both these points, but for the information of Honourable Members I may recapitulate our views on the subject So far as section 34 of the Forests Act is concerned, it was a transitory provision enacted and inserted for the purpose of safeguarding the rights of persons into whose claims no inquiry had been made before the enforcement of Act VII of 1878, and they were given one year's time within which to set the law in motion for the purpose of settling any claim they may have regarding the forests which were then to be notified I pointed out, Sir, on the last occasion that this transitory provision spent itself after the expiry of one year from the date of the notifying of the Act Some Honourable Members hold that this provision should be re-inserted in the consolidating measure, and I wish to point out that the legal effect of re-inserting this provision would be to unsettle all old claims and titles that have been hushed up after inquiry on or before the last day of 1879 Now that is not the object of any Honourable Member of this House It has been suggested that this Act does not apply to the whole of India and Burma, and there are certain districts, or at any rate one district, excluded from the operation of this Act, and if by notification of the Local Government this Act is extended to those territories, persons possessing private rights would be deprived of the right which is given to those who came under the operation of Act VII of 1878. Now that would have been a perfectly valid argument, and I have no doubt my Honourable colleagues on the Select Committee would have acceded to it, only that the Legislative Department made inquiries and found that in the exempted provinces of Madras and Burma, where they have local Forests Acts of their own, they have a provision analogous to section 34, by which inquiries have been made and titles in those provinces settled The Legislative Department after considerable research reported to us that there is no place where this Act is to be extended hereafter, and if it is to be extended the Local Government would naturally ask for an *ad hoc* provision to be added to the Act should they desire to extend its provisions to their local

[Sir Hari Singh Gour.]

territories My submission therefore is that it would not only not serve any immediate and useful purpose, but if this provision is re-inserted in the consolidating measure it would confuse titles already settled and set a premium upon litigation.

Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadan Rural) : How ?

Sir Hari Singh Gour : My friend Mr. Aney ejaculates, " How ? ".

Mr. M S. Aney (Berar Representative) : No, Mr. Kunzru

Sir Hari Singh Gour : I am glad, Sir, that at any rate my friend Mr. Aney who was the protagonist of the opposition on the last occasion now assures me that he is with me. (Laughter.)

Mr. M. S Aney : No, no

Sir Hari Singh Gour : I stand corrected. My friend Mr. Aney has put that question through Mr. Kunzru. Now, Sir, the answer is very simple If you were to re-insert the provisions of section 34—that section runs to the following effect ·

" That within 12 months from the date on which this Act comes into force in the territories administered by any Local Government such Government shall, after consideration of the rights of Government and private persons in all forest lands or waste lands then under its executive control, for the purposes of forest conservation determine which of such lands, if any, can, according to justice, equity and good conscience, be classed as reserved . .

I will leave out the rest of the section because it is more or less on the same lines This section 34 therefore gives the public a new right to compel the Local Government to inquire into their claims within one year from the passing of that Act That period has long expired and we are only now putting together all the existing law which is contained in eight different Acts of the Legislature. In doing so we have naturally lopped off some dead branches, such as section 34, which would create confusion and unsettle old titles already settled That is my answer to my friend's query as to how it will affect existing rights.

As regards section 42 which has been slightly altered, my friend's contention was—and I have no doubt it will be repeated on the floor of this House—that while under the original section 42 of the Act the magistrate had the discretion to inflict a double penalty in cases of subsequent conviction, the present draft Bill gives the Local Government the power to make rules for the infliction of double penalties if they should deem it necessary The view of the Select Committee is that, so far as this section is concerned, it is ambiguous, and if Honourable Members will turn to section 42, they will find that it is ambiguous, because under clause 1 of section 42 we have :

" the Local Government may by such rules prescribe penalties for the infringement thereof imprisonment for a term which may extend to six months or fine which may extend to Rs 500 or more ",

and then we have the second clause :

" double penalties may be inflicted in cases where the offence is committed ".

But whether " the double penalty may be inflicted " must be read in conjunction with " the Local Government may prescribe penalties " or it is an independent clause conferring upon the magistrate jurisdiction

to inflict double penalties, is a question upon which section 42 was ambiguous, and the Statute Law Revision Committee thought that the ambiguity must be solved in favour of the subject, the result being that under the corresponding clause we give the Local Government the authority to prescribe double penalties if they consider them necessary. That is all that has been done by the draftsman with the concurrence of the Statute Law Revision Committee in section 42. I, therefore, submit, Sir, that so far as this draft Bill is concerned, it has been thoroughly examined now by the Select Committee, and with the exception of one Honourable Member who has tabled an amendment to which I shall reply, if it is moved, there is absolutely nothing which has in the slightest degree added to or subtracted from the existing statute law appertaining to forests. I therefore submit, Sir, that this House should pass the motion I have made that this Bill be taken into consideration. Sir, I move.

Mr. M. S. Aney : Sir, my friend the Honourable the Mover of this motion has tried to explain what has been done in the Select Committee and how and why the provisions of this Act have been examined in the Committee purely on the principle of consolidation. In this connection, Sir, I should like to remind the House of what was stated by the Honourable the President when the motion for referring this Bill to the Select Committee was pressed to a division last Session. The Honourable the President then declared that the Chairman of the Select Committee should bear in mind that the amendments that should be considered in the Select Committee should have reference to the principle of consolidation. So, that point was again raised in the Select Committee, and the Chairman of the Select Committee ruled that any amendments which have no bearing purely on the principle of consolidation but are intended to have a bearing on the merits of the Forest Act by some changes in other provisions of the Bill could not be considered there ; and therefore the Select Committee had to confine its attention only to such provisions and to such amendments as were intended to show that the law was defective even from the point of view of consolidation. I am stating these facts, Sir, for the sake of emphasising that because the Select Committee has not considered the other amendments and had not examined this Bill from other points of view, it should not be understood that the Forest Law, as it now stands, was in any way acceptable to the Members on this side of the House. The obvious defects of this law had been clearly pointed out when this Bill was discussed in the other place. When the discussion took place in the Council of State it was suggested on behalf of the Government itself that, this being a consolidation measure, Government would not like to consider any amendments on the merits of the Bill, but that Government would be prepared to consider any suggestions that would be made by the House to rectify the law at the next opportunity Consequently, a Resolution was moved in the other House to appoint a Committee to revise the Indian Forest Law, and that Resolution was in a modified form accepted by the Government The Resolution has been circulated by the Government to various Provincial Governments to elicit their opinions as to whether a Committee should be appointed to revise the Indian Forest Law and, if so, what should be the nature of the Committee. Up to this time we do not know what decision the Government have arrived at in regard to that Resolution. In reply to certain questions put in the other House, I find that the only reply given

[Mr M. S. Aney.]

by Government is that some opinions have been received and that the matter is still under consideration. If, therefore, the Government are going to give an assurance that in pursuance of that Resolution they will appoint a Committee to revise the Indian Forest Law from all possible points of view to meet the popular demand in this matter, then I might not think it worth while even to move the amendments that stand in my name here, but if no such assurance is forthcoming, it will be my duty to move at least one of the two amendments that stand in my name here and to show that the Bill, as it stands, is not a purely consolidating measure.

It may be asked what would be the propriety for not moving the amendments even if the Government do not give an assurance that they would appoint a Committee My answer is this If they are going to give an early opportunity to revise the whole Act, then the question of considering those provisions which are now being omitted from the present Bill can be appropriately re-opened and even profitably considered afresh along with other cognate points to amend the Law. But if no such assurance is forthcoming, then I will have to consider, Sir, whether I should not now, when this Bill is under consideration, press the amendments that stand in my name

As regards certain points to which reference was made in the speech made by my friend, Sir Hari Singh Gour, I think I should give a brief reply I was not satisfied with the explanation given by him here nor with the explanation given in the Select Committee It has been urged that section 34 of the Act of 1878, the old Act, or rather the existing Act,—because the present Bill has yet to pass into an Act, and come into force—is only a transitory measure. A part of that section has been read by my friend Sir Hari Singh Gour I do not want to take up the time of the House by reading the whole section, but I shall briefly tell this House what that section is That section consists of three parts. The first part of that section is that immediately after this clause comes into force, it shall be the duty of the Government within twelve months to determine what parts of the forest, which were till then for the purposes of forest conservancy under the executive management of the Government, should be classed as reserved forests and what parts as protected forests. Then comes in the first proviso to the effect that in the course of such inquiry, Government should try and find out what were the rights of Government as well as those of private persons over the forests that were going to be classed as reserved or " protected " forests respectively That inquiry has to be made within the aforesaid period by the Government If any such inquiry has already been made at any time before the application of this Imperial Act, and the rights are settled and a due record has already been prepared, then this new inquiry need not be made and the forest officer should recognise the rights previously settled and recorded But if any such inquiry was not previously made, and no inquiry contemplated under section 34 be instituted to prepare the record of popular rights within the period of 12 months, then the rights of the Government and of the private persons over those parts which have been classed as " reserved " and " protected " shall remain unaffected and unabridged. It is certainly not merely a transitory or a permissive provision If the Government for any reason fail to make an inquiry and settle the rights of

the people and make a proper record of their rights and consequently no such record is forthcoming in any particular tracts within the province to which the Act is extended, then notwithstanding and even in spite of any notification issued by the Government determining certain forests as reserved and certain forests as protected such rights as the individuals have been exercising over these forests for a number of years will remain unabridged and unaffected. It is a very important proviso from this point of view. Provisions in clauses 12, 13 and 14 of this Bill under Chapter II relate to certain inquiry to be made by the forest officer in regard to Reserved Forests. It will be found that if within three months no claim to their rights has been set up by individuals before the forest settlement officer, the right of the individual shall cease to exist. Now, the Honourable Member can see what the omission of section 34 will mean. The difference is this. If section 34 is retained it is clear that whether any such complaint is made by the person concerned or not, if the Government of its own accord fails to institute any such inquiry, the rights subsist and remain unaffected. The obligation is upon the Government to hold the inquiry and register the rights and there is no lapse of right because the private person has not set up his claim within a period of three months or 12 months. That is the main point of difference Unfortunately it is not duly taken into account by the Statute Law Revision Committee or the Select Committee. I am confident that if this difference is properly appreciated by this House then the House will agree with me in urging that section 34 cannot without some prejudice to the rights of the people in as much as it leads to the position that if a private person bearing any rights do not apply within three months from the date of the notification which the Government may issue all private rights automatically lapse. Government knows that there are tracts to-day to which the Forest Act is not extended. It was no use for Dr. Gour to inform me that in the second clause of this Bill, the names of the provinces to which the Act is at present extended are mentioned I will ask him and the Honourable Members to read the third clause, and in that clause of the Bill Honourable Members will find that besides these provinces mentioned in clause 2 provision is made empowering any Local Government to extend this Act either to the whole province or to any part of a province administered by the Local Government. Even in provinces where this Act is already extended, there are certain tracts to which this law does not apply. And if Honourable Members are careful in reading the Gazette of India notifications published from time to time they will find—I know certain recent cases that notifications to extend the application of this Act to new tracts and areas are often published from time to time There is still room for extension and to move in search of fresh fields and pastures new. That is to say that the process of extension of this Act is still going on. And so long as this process is going on, I maintain, Sir, that the propriety of section 34 undoubtedly exists That propriety cannot be gainsaid and treated as a redundant superfluity And if it be merely a consolidating measure, as it is contended on behalf of Government, then my contention is that it is the strongest ground on which this House can urge that the clause which was intended to safeguard the rights of the private person and the Government also in case of certain contingencies must be retained intact and should not be lightly tampered with or interfered with. That is the particular point I wish to make It is not merely a formal change that is being brought about. It is not merely the elimination of a clause

[Mr. M. S. Aney.]

here and a clause there to remove some real or imaginary ambiguities A very fanciful contention was urged on a former occasion. Last time when my Honourable and learned friend Sir Hari Singh Gour argued this point before the House, he said that this Act came into force in 1878, and the period of 12 months within which the Government was to inquire was over after 1879. He feared that if this provision, namely, section 34, be retained in this Bill which after being passed will come into force in 1927 or 1928, then that period of 12 months will extend to 1929. And therefore all the orders which might have been made before would be reopened and that would give rise to immense difficulty. He said it would create immense confusion, and incalculable disturbance. Even now he maintains it will create confusion. I think if he reads proviso 2 of section 34, he will find that, if there are inquiries already made with regard to the rights of the people and duly recorded, then that very record had to be accepted by the Government When this law will come into force, the mere fact that it has come into force in 1928 or any other year will make absolutely no difference. At the same time my Honourable friend will realise that in tracts where any inquiries of this kind have not been previously made the omission of clause 34 will result in great hardship In certain tracts it has been taken for granted by the Government that the rights must have been settled, as they found that under the old forest conservancy rules certain forests had been already declared State forests On the strength of these declarations notifying certain forests as State forests Government proceeded to treat them as the reserved and protected forests under this law without any bother of an inquiry contemplated under section 34 The position that is now created is this The rights which the people have been up till now exercising over these forest areas as legitimate rights will not be legitimate rights immediately after this provision is eliminated from the law. (*Sir Hari Singh Gour* : " Why ? ") That is the position. The reason is very simple The implications of this law are not known to many Members The real difficulty is this. Very few Members have any idea as to how this law is being administered in tracts which are adjacent to the Government forests The real position is that there are certain parts where Government have declared that certain forests are reserved and certain forests are protected But they have made absolutely no inquiry in certain parts at all. They have gone by the entries in the official register to classify state forests into two classes aforesaid But as they did not immediately want waste lands treated and classified as reserved or protected forests for any immediate purpose, they did not find it necessary to make any inquiry to settle and record the rights of the individuals or communities over them and allowed the people to enjoy such rights uninterruptedly as they had been exercising over those parts from time immemorial Now, it so happens that certain tracts which have been in this way classed in forest records as reserved but virtually left out in the uninterrupted enjoyment of the people are being used by the people for herding their cattle or for similar other purposes. I know a particular instance which very recently occurred in Berar, and which created a good deal of trouble and worry to the villagers It has occurred to one of the Forest officers in Yeotmal District that a certain waste site in a village was in reality classed as a reserved forest. And he thought that he should enforce the rule that no part of such forest could be used for purposes

of herding cattle without express permission. He paid possibly a surprise visit to find all the cattle in the village in that very area. A case was going to be instituted against the owners for using a reserved tract without permission. All the cattle were taken into custody and sent to the cattle pound in a neighbouring village. Now, here there was in my opinion a clear infringement of a right and usage from time immemorial. When this matter came up for consideration before superior forest officers I brought it to the notice of the Forest Officer the provisions in section 34. Have you settled those rights ? Have you made any inquiry. Were the rights of the people over this part of the forest recorded any where ? If not, then their rights remain unaffected, inspite of any official notification. But although criminal proceedings against them were fortunately not started, still they had to release the cattle from the pound on payment of a very heavy sum. Other clauses of the law penalising the use of that tract by certain people, I strongly urged, will not apply in absence of such record. The rights which have been exercised by the people for a number of years must remain unaffected unless there is a specific record duly prepared in the manner provided for by this Act. What I mean to say is that there are possibilities of things of this nature and this House must scrupulously guard against all possible dangers when they consider any piece of legislation.

I urge another reason. Assuming that it is true that the Government have extended the whole of this clause to the whole of India But it is also true that in every province there are certain big private estates which contain a good deal of forest administered by the proprietor as he liked Suppose for some reason that land or estate escheats to Government or becomes Government estate It is undoubtedly a new tract. In the case of such private lands with a considerable forest you will naturally find that the people have been using certain rights over that and if an inquiry which should be made under section 34 be not made to settle and record their rights they can persist in exercising them unmolested, but if this section is taken away to relieve the forest officer from the bother and worry to make any inquiry what will be the position ? The user of these rights of which they have been rightfully in possession from time immemorial will become an illegal act and they shall be liable under sections 26 or 33 of this Act Well, there is that difficulty I say that the Statute Law Revision Committee may have made certain inquiries My learned friend who was on the Select Committee, representing Government, may have given certain information But what is it ? He did not show that in several parts of the forest which are either administered under this law or which is likely to come under the administration of this law some time later, Government have made certain inquiries and rights have been recorded. The members of the Select Committee did not insist upon seeing any such record And therefore I am at any rate not at all satisfied with that. Particularly with the certain and definite knowledge which I have got of conditions existing in my own province, it was impossible for me to be satisfied. That is the position according to my understanding Therefore, I was not satisfied with the information given and I was unable to agree with my colleagues in the Select Committee on this point.

Secondly, Sir, with reference to the other question which is touched by my learned friend, namely, the modification that is made in section 42, I am rather surprised that in the Report of the Select Committee.....

Mr President: Order, order. The Honourable Member is exhausting all the arguments in favour of his amendments which have not yet been moved.

Mr. M S. Aney: *My position is this that, as I have already stated, if Government are going to give me an assurance that* ..

Mr. President: Order, order, the Honourable Member should wait.

Mr M S. Aney: In that case I do not want to proceed further with this motion, and I will only state that the explanation given by my learned friend does not at any rate satisfy me, and I think ought not to satisfy any Member in this House

Mr. President: The question is

"*That the Bill to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce, as reported by the Select Committee, be taken into consideration.*"

The motion was adopted.

Clauses 2 to 34 were added to the Bill.

Mr. President Mr Aney.

Mr. M. S Aney · I am not going to move my amendment.

Clauses 35 to 86 were added to the Bill.

The Schedule was added to the Bill

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Sir Hari Singh Gour · Sir, I move that the Bill be passed

The motion was adopted.

THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

Mr. W. T. M Wright (Secretary, Legislative Department) : Sir, I introduce a Bill further to amend the Transfer of Property Act, 1882, for certain purposes, which was published under Rule 18 of the Indian Legislative Rules on the 20th August 1927

(At this stage Sir Hari Singh Gour rose in his place)

Mr President · The Honourable Member is not called on.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) · I thought, Sir . ...

Mr President · Mr. Wright.

THE TRANSFER OF PROPERTY (AMENDMENT) SUPPLEMENTARY BILL.

Mr. W T. M. Wright (Secretary, Legislative Department) : Sir, I introduce a Bill to supplement the Transfer of Property (Amendment) Act, 192 , which was published together with the Bill which I have just introduced.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) · Sir, I......

Mr. President : *Is there any point of order ?*

Sir Hari Singh Gour : I am raising a point of order.

Mr. President : There is no motion before the House on which a point of order can be raised.

Sir Hari Singh Gour : I am entitled, Sir, to state to the House a point of order.

Mr. President : The Honourable Member can only state a point of order to the Chair in connection with some business which is before the Assembly. There is nothing before the House at present.

Sir Hari Singh Gour : The Bill is before the House.

Mr. President : There is no Bill before the House. The Bills have been introduced.

Sir Hari Singh Gour : I want to point out that the Bills have been introduced without any formal procedure laid down by the Standing Orders.

Mr. President : Order, order. Sir Basil Blackett

THE INDIAN INCOME-TAX (AMENDMENT) BILL

The Honourable Sir Basil Blackett (Finance Member) : Sir, I hope no point of order arises on this Bill of mine As I explained when I introduced this Bill, it is for the purpose of amending the Indian Income-tax Act, 1922, with reference particularly to the difficult problem of the assessment of tea companies Under a rule in existence until a short time ago, a specific percentage of the profits of tea companies was laid down as the amount which should be treated as non-agricultural profits. It has been found that there is at any rate some considerable question whether that rule was *intra vires*. On the other hand the tea companies who have been assessed regard it as most undesirable that the question of the exact percentage of the profits which should be treated as non-agricultural should have to be examined in every individual case. It would mean a great deal of trouble to the tea companies and trouble to the income-tax authorities. It is therefore proposed that we should take power, as we propose in this Statute, to make a rule that will be valid fixing a percentage. If we had been in a position to do so, the Government would much have preferred to introduce a Bill laying down the exact percentage. But we need some more experience in the case of tea companies and in other cases before we can safely do so We therefore propose in the first instance to proceed as under this measure. Then, when we have obtained fuller experience of the way the matter has been worked, the Government will try to put the matter, as I think all will agree, in a position which will be a more satisfactory one by introducing legislation to fix definite percentages They cannot do that now, because it is impossible without more experience to know what the figures should be in several of the cases in question.

I move, Sir, that the Bill be taken into consideration.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Basil Blackett : Sir, I move that the Bill be passed.

The motion was adopted.

THE INDIAN LIGHTHOUSE BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) . Sir, I move that the Bill to consolidate and amend the law relating to the provision, maintenance and control of lighthouses by the Government in British India, as passed by the Council of State, be taken into consideration

Sir, it will not be necessary for me, I think, to speak at any length on the subject of this Bill The Bill is really part of a scheme that the Government of India have in view for bringing mercantile marine matters of all kinds under the direct control of the Government of India, and this is the first instalment of the Government of India's plan. At present lighthouses on the coast of India are under a different system of administration in almost every province, and I believe that in the sub-province of Sind there is a different arrangement from that which is in force in the rest of the Presidency. This Bill proposes that all the lighthouses should be brought under the control of the Government of India under a uniform system. It provides for the appointment of a Chief Inspector of Lighthouses and of Inspectors of Lighthouses. It classifies lighthouses into general lighthouses which will be under the direct control of the Government of India and the local lighthouses which will be controlled ultimately by the Government of India, but will be administered for the most part by Local Governments and port authorities It provides for the constitution of an advisory committee on which the interests concerned will be fully represented And, finally, it provides for the levy of light dues, so that the administration of lighthouses may be self-supporting and may not be a charge on the general tax-payer

On the subject of this Bill, Mr President, we have consulted very fully commercial and mercantile opinion The Bill has been considered by a strong Joint Committee composed of the Members of both Houses. That Committee has presented a unanimous report and I have no doubt that the House will agree that the recommendations of such a Committee ought to be accepted. For that reason, I do not propose to enter into any further explanation of the provisions of the Bill I should like, however, to refer to two recommendations made by the Joint Committee on particular points These are recommendations in which they did not propose any amendment in the Bill but recommendations as to the action that Government should take. The first of them is this. They say ·

"The question of inserting a provision requiring that the advice of the Central Advisory Committee should always be accepted was discussed, and we strongly recommend to Government that its advice should in all ordinary cases be accepted."

Well, on that point, Mr. President, I would say this. It is clear that the Government of India must retain ultimate control over expenditure. But subject to this, we are prepared to accept the recommendation that the advice of the Central Advisory Committee should in all

ordinary cases be accepted. The second recommendation was as to the constitution of the Advisory Committee. The Joint Committee said :

"As regards the constitution of the Central Advisory Committee we recommend that the Commerce Secretary should be Chairman, and that the Committee should include representatives of the following interests :—Royal Indian Marine (or Royal Indian Navy), shipping registered in India, and commerce, both British and Indian, which should each be represented by an equal number of members appointed after consultation with the commercial bodies concerned."

The Government of India have no objection to accepting the proposed constitution as a suitable constitution for the Committee subject only to this, that as the Joint Committee themselves recognised as time goes on it may be necessary to revise the constitution for certain reasons. The example they give is that eventually it may be necessary to have District Advisory Committees and the District Advisory Committee might suitably elect a member to the Central Advisory Committee.

I do not think, Sir, I need add anything further and I move the motion standing in my name.

The motion was adopted.

Clauses 2 to 22 were added to the Bill

The Schedule was added to the Bill

Mr. President: Clause 1.....

(Some Honourable Members rose in their places.)

Honourable Members should not rise when the Chair is standing.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir George Rainy : I move that the Bill, as passed by the Council of State, be passed

Mr. W. S Lamb (Burma European) Sir, I desire to give a hearty welcome to this Bill and to the establishment of the principle that such revenue as is secured from light dues shall be utilised to maintain lights and light ships and also towards reduction of the dues payable for lights. I think the House would like to have a certain assurance from the Honourable the Commerce Member in this connection. We are not unacquainted with the ways of Chancellors of Exchequer, and Finance Members, and we should like to hear from our Honourable friend that the principle I have mentioned will always be kept in mind With regard to the Report of the Select Committee, who have done their work well, I am sure the House would be glad to hear from the Honourable Member for Commerce repetition of the assurance given in another place concerning the Central Advisory Committee. I have no more to say about the Bill. But I should like to say a few words with regard to the Burmah lights. We have a very dangerous coast. I think it is admitted that it is the most dangerous part of the Indian coast, and therefore anything which militates against that efficiency which should at all times characterise the service of the lights is to be condemned. There are quite a number of questions which will engage the attention of the proposed Committee I should like to mention two. One is this that at the present time the crews of lightships, of which there are five, are not under the terms of the Merchant Shipping Act, although I understand

[Mr. W. S. Lamb]

that in Bengal they are under the Act. This, of course, affects the discipline and accordingly efficiency, and I do trust that this particular point will have the early attention of the Advisory Committee. There is another matter, and a more important one. That is the provision of a craft which will attend to the lights and relieve the men who serve those lights. At present these services are being carried out by two trawlers. No doubt they are very good stout sea boats, but being trawlers they have very little accommodation. They cannot carry on board the crew which is required to serve the relieving boats Further, there is no accommodation for any medical officer, an officer who, I think, is as important as the Captain who commands the trawler or other ship. Now, being served by two trawlers only, when the monsoon comes along, it is quite proper to describe the service as dangerously inadequate. I should like to hear from the Honourable the Commerce Member that one of the very early duties of the Advisory Committee will be to cause to be designed a ship especially fit for the job. I should like to have an assurance of that nature because I regret to say that at the moment I have some misgivings about the attitude of the Government of India towards this matter Only some months ago a character was arranged for a term of years for a certain vessel to serve the Andamans generally and the lights there and this ship has been described by a nautical friend of mine as " a standing disgrace " and " the worst selection that could possibly have been made " I trust that the proposals of the Government of India will be made in no spirit of cheese-paring and that they will accept recommendations on the lines of certain suggestions I have put before the Department of the Honourable Member. They are not my own suggestions or recommendations. They are the suggestions of a man who has the most intimate acquaintance with the coast lights Sir, I support the motion.

Mr. Sarabhai Nemchand Haji (Bombay Central Division Non-Muhammadan) Sir, the Honourable the Commerce Member and the Honourable Mr Lamb have drawn the attention of the House to certain points in the Joint Committee's Report, but with your permission I would like to draw the attention of the House to another point in that Report which unfortunately has been overlooked by the previous speakers. That, Sir, is a reference to the Indianization of the staff engaged in connection with the lighthouses of India. As it happens, this is a Bill upon which the Joint Committee has as important points to make as are made in the body of the Bill itself, and if there were any means by which the Report of the Joint Committee could be tagged on to the Act proper I should have very much preferred that it was done But the facts being as they are, I would draw the attention of the House to the recommendation of the Joint Committee that, as regards the personnel of this staff and of the expert mechanics, it may be found necessary, to begin with, to recruit them from England The Committee, however, recommends to Government that an Indian personnel should be trained in the special work as quickly as possible so as to fit them for these posts. This being the verdict of the Joint Committee, I do hope that the Government would try their utmost to get Indians, even to begin with, if possible, for this technical work. And if Indians are not available, then the initial recruitment of non-Indians should be as small as possible. I

onsider that no more than one or two mechanics need be brought out rom England, that simultaneously with them a number of Indian pprentices should be put in, who in a year or two would be fit to take the lace of the expert mechanics imported from abroad.

There is, Sir, in the Joint Committee's Report another principle, or ther the recognition of another principle, to which I should like to draw e attention of the House. It is in connection with the composition of e Central Advisory Committee. You will notice, Sir, that the comosition is made up of :

(1) The Royal Indian Marine or the Royal Indian Navy,

(2) Shipping registered in India—and this is the point I want to lay stress on—, and

(3) Commerce, both British and Indian, which should each be represented by an equal number of members appointed after consultation with the commercial bodies concerned.

Here, I hope, we have a recognition by the Government of India f the principle that in matters connected with shipping and allied subects, the Indian Mercantile Marine, which has so far received very iggardly and step-motherly treatment from the Government has a efinite place, a place which is its own by right and I hope that the recedent that has been set up now will be followed up in later measures.

With regard to the definition of "Indian shipping", which is here epresented by "shipping registered in India," I should like to draw the ttention of the Government to the fact that when at a later date either f their own volition or under pressure of public opinion and of this Iouse, the Government of India see their way, which they do not now, o accept the coastal reservation recommendation of the Indian Mercantile Iarine Committee with regard to the development of Indian shipping, hope they will replace the present definition of Indian shipping as 'shipping registered in India" by the definition given in the report f the Indian Mercantile Marine Committee, namely :

(a) that is registered in India ;

(b) that it is owned and managed by an individual Indian or by a Joint Stock Company, public or private, which is registered in India with rupee capital with a majority of Indians on its directorate and a majority of its shares held by Indians , and

(c) that the management of such company is predominantly in the hands of Indians

This, to my mind, should be the proper meaning of the words 'Indian shipping". But under the circumstances of to-day we have o manage with the definition that was available in the Merchant Shipping Act, namely, that Indian shipping means shipping registered n India.

With regard to the question of separate accounts of lighthouses to hich reference was made by my Honourable friend Mr. Lamb, I should

[Mr. Sarabhai Nemchand Haji.]

like to make it quite clear that the Joint Committee did get a definite undertaking on the part of the Government which has been expressed by them in their remarks on clause 20 which reads as follows :

"We have not amended clause 20 but we here record our recommendation that any surplus to the credit of the lighthouse account should be definitely earmarked for the purpose of lighthouse administration and should not be appropriated for any other purpose".

This is a recommendation which, I trust, will always be borne in mind by the Government along with the other recommendations made in the Joint Committee's Report.

There is just one point more and I will have done with this subject. That is with reference to the exemption of sailing ships from the dues that are payable by them now Up to the moment, different provinces have had different scales with regard to exemption of sailing ships from the payment of light dues The original Bill, as introduced by the Government, laid down the limit of 30 tons The Joint Committee, taking the Burma figure as the one which was likely to cause the least heart-burning, raised the figure to 50. The reason why the Joint Committee raised it to 50 and not to any other figure was that, as they mention, they tried to keep the Burma figure in mind. But, unfortunately the Government themselves are not in a position to give the House any information as regards the various types of sailing ships and their tonnage plying along the Indian coast The information, at our disposal in the Joint Committee, was more or less empirical and the remedy designed is also very much of that nature Since the publication of the Report, I have received a telegram from the Chairman of the Buyers and Shipping Chamber at Karachi which reads :

"Reference lighthouse consolidation measure before the Assembly My Chamber strongly urge sailing craft up to 100 tons be exempted from dues in order to secure some relief from already hampering condition"

In view of this telegram and the representations that have been made or might be made later on by interests concerned, I do hope the Honourable the Commerce Member will, if the case is fully represented to him, see his way to exceed this limit of 50 tons because, after all, as I said before, the figure has been more or less empirically fixed.

Finally, I would just like to say one word with regard to this question of sailing ships which are to be exempted from the operation of the clauses of this Bill As I said before, the Government did not have sufficient information which they could put before the Joint Committee and I am afraid they have not got that information even now. It is to my mind an example of the utter indifference which the Government have shown to this question of Indian shipping, whether steam or sail, and I do hope that in future no occasion will arise when the Government would come forward with the excuse that they have not in their possession facts and figures, statistics and particulars which would facilitate the work of the House and the Select Committee, and I do hope that the Government would on future occasions be in a position to place all the necessary materials before the Committee and this House so that the country might see that the Government are quite serious in their intention to revive the Indian mercantile marine. Sir, with these words, I support the motion made by the Honourable the Commerce Member.

The Honourable Sir George Rainy: Sir, I am indebted to my Honourable friend Mr. Haji for drawing my attention to the recommendation of the Joint Committee which I had intended to mention in my previous speech, but which I inadvertently omitted. The Government of India accept the recommendation of the Committee, namely, that though it may be found necessary to begin with to recruit expert mechanics and the personnel of the staff from England, an Indian personnel should be trained in the special work as quickly as possible so as to fit them for these posts The Government of India have accepted that recommendation. (Applause.)

Then, Sir, as regards the point that he raised about the limit of tonnage which would justify the exemption of sailing ships from the payment of light dues, as matters stand at present we cannot go beyond the recommendation of the Joint Committee, namely, that the limit should be 50 tons. But once the Advisory Committee has been constituted and the new system has got into working order, there would be no objection to considering whether that limit might not be raised. But, clearly, this is one of the matters on which the opinion of the Advisory Committee will be very important, and as I stated a few minutes ago that in all ordinary cases the Government of India would accept the recommendation of the Advisory Committee, it is clearly out of the question now, even before the Advisory Committee has come into existence, to say what the opinion of the Government of India would be.

Then, my Honourable friend Mr. Lamb asked for an assurance that the light dues would be appropriated solely for the purpose of maintenance and so on of the lighthouses. He had apparently some apprehension in his mind as to the practice to which Chancellors of the Exchequer and Finance Members are said to be addicted when they feel like robbing henroosts. All I can say is that it is the intention of the Government of India that, while the lighthouse administration should be self-supporting, light dues should not be used as a source of profit (Hear, hear) I will add this, that the total amount of revenue likely to be obtained from this source is, I think, too small to be an appreciable temptation to my Honourable friend the Finance Member. (Laughter.)

Then, my Honourable friend Mr. Lamb mentioned two matters which, he was anxious, should be brought before the Advisory Committee at an early date. I do not think there ought to be any difficulty about that, and I will certainly make a note of what my Honourable friend has said, so that these matters shall not be overlooked when the Advisory Committee comes into existence.

Finally, I would refer to the closing remarks of my Honourable friend Mr. Haji in which he complained of the indifference which the Government of India in the past had shown in mercantile marine matters. I thought his tone was unduly gloomy, and I missed, I confess, the absence of any recognition of our sign of repentance in the shape of this Bill which the Government of India have placed before the Assembly

Mr. President: The question is:

"That the Bill to consolidate and amend the law relating to the provision, maintenance and control of lighthouses by the Government in British India, as passed by the Council of State, be passed."

The motion was adopted.

THE INDIAN SUCCESSION (AMENDMENT) BILL.

The Honourable Mr. J. Crerar (Home Member) : Sir, I move that the Bill further to amend the Indian Succession Act, 1925, and the Married Women's Property Act, 1874, as passed by the Council of State, be taken into consideration. To Honourable Members who are lawyers the Statement of Objects and Reasons will be adequate to give a clear idea of the intention of this Bill. I think that I shall sufficiently discharge the necessities of the case if I explain very briefly in non-technical language to Honourable Members who are laymen what the Bill sets out to do

Sections 223 and 236 of the Succession Act of 1925 reproduce provisions of the law which have been in the Indian law since, I think, 1865. They prohibit the grant of probate or of letters of administration to a married woman when the deceased is a Christian or is at any rate not within the categories specified in these two sections Those provisions were based, and have since been continued without amendment, on the law as it existed in England at that time Since then, however, there have been many changes in the English law and it is desirable that the Indian law on these points should be brought into conformity with the English law. Nor is it merely a question of any academic discrepancy in the law. This measure was as a matter of fact originally drafted in consequence of representations made to the Government of India by the High Court of Bombay. They pointed out that under modern conditions serious hardship could be caused and as a matter of fact within their knowledge had been caused by the existing prohibition. There may be, for instance, physical reasons which render it impossible in cases arising under these sections for the consent of the husband to be obtained. The object of the Bill therefore is to bring the law into conformity with what is now the English Law in the matter, and also to provide remedies for those specific cases of hardship which have come to notice

The other part of the Bill limits the liability of a husband in cases in which his wife has obtained probate or letters of administration and is a trustee, executrix or administratrix either before or after marriage The object of clause 3 of the Bill is to limit the husband's liability in that case also in accordance with the principles of the English law in the matter.

I hope, Sir, this brief explanation will commend this small measure to the favourable consideration of the House

***Mr. K C. Neogy** (Dacca Division . Non-Muhammadan Rural) : Sir, I have no observations to offer on the present measure but I rise to make an enquiry from the Honourable Member in charge. I was one of the members of the Joint Committee that had to deal with the Indian Succession Consolidation Act of 1925, and when we were dealing with that measure of consolidation the desirability of a general revision of the whole law of succession was pointed out, and, as far as I recollect, Government also admitted the necessity of undertaking a general revision at an early date. I do not know what are the particular reasons that have induced Government to bring up this measure as a sort of piecemeal proposal instead of undertaking the revision of the whole Act as was said would be done.

* Speech not corrected by the Honourable Member

Mr. President : The question is :

"That the Bill further to amend the Indian Succession Act, 1925, and the Married Women's Property Act, 1874, as passed by the Council of State, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Mr. J. Crerar : Sir, I move that the Bill, as passed by the Council of State, be passed.

In making that motion I should like to explain, with regard to what fell from my Honourable and learned friend Mr. Neogy, that the question of a general revision of the law is one on which Government have not yet arrived at any conclusion ; and the reason for introducing this particular measure—which I hope will not fall within the category of those boxes of chocolates for which my Honourable friend has expressed an extreme distaste in which I cordially admit I participate,—the reason for introducing this measure was that specific cases of hardship had been brought to the notice of the Government of India and this amendment had been pressed upon them by the High Court of Bombay as a measure of very considerable urgency.

Sir, I move the motion standing in my name.

The motion was adopted.

THE PRESIDENCY-TOWNS INSOLVENCY (AMENDMENT) BILL.

The Honourable Mr. J. Crerar (Home Member) Sir, I move that the Bill further to amend the Presidency-towns Insolvency Act, 1909, for certain purposes, as passed by the Council of State, be taken into consideration.

I think, Sir, this is another case in which it is unnecessary for me to go elaborately into the details and technicalities of the Bill, which again will be apparent to Members of the House who are lawyers, and I propose, therefore, as on the previous measure, to indicate very briefly what the object of this Bill is. It relates to the interpretation which ought to be placed upon sections 7 and 36 of the Presidency-towns Insolvency Act and to elucidate and settle the law on that point. The position is this. Section 7 as it stands appears to give very wide powers to Insolvency Courts to decide questions of priority and all other questions whatsoever, whether of law or of fact, which may arise in any case of insolvency coming within the cognizance of the court. Section 36, on the other hand, empowers the court *inter alia* to summon before it any person supposed to be indebted to the insolvent and to require such person to produce any documents in his custody or power relating to the insolvent, his dealings or property. If on the examination of any such person the Court is satisfied that he is indebted to the insolvent, the Court may, on the application of the official assignee, order him to pay to the official assignee... the amount, etc. It is important to notice that this section taken alone does not empower the Court to enquire into and to decide a claim which the alleged debtor does

[Mr. J. Crerar.]

There has been some difference of opinion between various High Courts in India on the subject The High Courts of Calcutta and Bombay following I think the *cursus curiae* in England on similar matters have held that the joint effect of these two sections is not to enable the Insolvency Court to decide a claim of this kind unless the claim is admitted. The High Court of Madras have taken a different view and it has been their practice to deal with matters of this kind by a procedure which is known in legal parlance as garnishee summonses and orders. It appears to the Government, as it has appeared to the High Courts who have followed a different procedure, that this might involve a very serious injustice in ordinary circumstances A person against whom a claim for debt is made has ordinarily certain very definite remedies He may file a written statement. He may claim to have access to and to examine documents on which the plaintiff relies, and he is entitled to cross-examine the plaintiff and any witnesses that the plaintiff may produce. Now there appears no just reason why any one against whom a claim of that character is made should, merely because his creditor happens to be an insolvent or a person who is a petitioner for insolvency, be deprived of the remedies which are necessary for an equitable determination of the claim. I should like to say incidentally that the proposal which is comprised in the Bill has been laid before the High Court of Madras, and the High Court of Madras have expressed their willingness to adopt the procedure. The object then of the Bill is to bring the law into conformity with the law in England, or rather to make quite clear that the law is so in conformity and to remove all doubts as to the procedure which ought to be followed. Clauses 3 and 5 of the Bill provide for a subsidiary matter They make it clear that rules may be framed regulating the conditions in which a petitioner in insolvency may be required to produce his books of accounts, to file lists of creditors and debtors and to afford such assistance to the Court as may be prescribed. The necessity for a provision elucidating the law on that point arises from the fact that in some cases rules have been made for this purpose, and in one case at any rate a ruling of the High Court of Calcutta has raised doubts as to whether such rules are *intra vires* It is obviously necessary for the convenient and efficient administration of insolvency law and also for the ends of justice that any doubt on that point should be put at an end to and that rules which are framed for this purpose should be of unquestionable validity.

Mr. President The question is :

"That the Bill further to amend the Presidency-towns Insolvency Act, 1909, for certain purposes, as passed by the Council of State, be taken into consideration."

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Mr. J. Crerar : Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

THE CANTONMENTS (AMENDMENT) BILL.

Mr. G M. Young (Army Secretary) : Sir, I move that the Bill further to amend the Cantonments Act, 1924, for certain purposes, be taken into consideration.

This Bill, Sir, is a miscellaneous collection of amendments on points of detail which have come to light in one way or another recently in the working of the Cantonments Act. I have explained those points at length in the Statement of Objects and Reasons, and when I moved for leave to introduce the Bill I do not suppose that the House will wish me to enter into them again

Sir, I move.

The motion was adopted.

Clauses 2 to 13 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. G. M. Young : Sir, I move that the Bill be passed.

The motion was adopted.

THE INDIAN EMIGRATION (AMENDMENT) BILL.

Mr. A. R. Dalal (Secretary, Education, Health and Lands) Sir, I move that the Bill to amend the Indian Emigration Act, 1922, for a certain purpose, be taken into consideration.

It is unnecessary for me to explain the object of this Bill as I have already done it more than once in introducing the Resolution on the subject of ratifying the Convention, and I shall therefore confine myself to a few comments on the two operative clauses of this very simple and small measure. Under clause 2 we define the term " emigrant ship " as " any ship specially chartered for the conveyance of emigrants, or conveying emigrants exceeding a number to be prescribed ". A ship specially chartered for the conveyance of emigrants becomes *ipso facto* an emigrant ship. But it may happen that passenger vessels might carry emigrants in large numbers and in that case Government might consider it advisable to include them under the definition of emigrant ships so as to extend to them the provisions of the Indian Emigration Act There is a further proviso to this clause which runs

" Provided that the Governor General in Council may, by notification in the Gazette of India, declare that ships conveying emigrants to any specified port shall not be deemed to be emigrant ships."

The object of this proviso is to exempt the ports of Ceylon and the Malay States at present from the provisions of this Bill As I have explained in moving my Resolution on the ratification of the Convention, it is not necessary to institute any system of inspection of emigrants on board ships plying to Ceylon, which is merely a short journey across the straits by what is practically a ferry boat , and as for the Malay States we have already a system of inspection by the Malay Government itself. It would not therefore be necessary for us to extend this measure to ports which might be called home-trade ports. As for the definition of what

[Mr. A. R. Dalal.]

are home-trade ships I would draw the attention of the House to section 2 (*3*) of the Indian Merchant Shipping Act, which runs as follows :

"Home-trade ship means a ship employed in trading between any ports in British India or between any ports in British India and any port or place on the continent of India or in the Straits Settlements or in the island of Ceylon."

As the House will notice we have reserved power, if and when it is necessary, to extend the provisions of this Act to any port even within home waters, if we consider it necessary But for the present we do not consider it necessary to extend the provisions of this Bill to the ports of Ceylon and the Malay Straits.

As for clause 3 (*1*), it is purely a drafting clause. Under clause 3 (*2*), we take upon ourselves the power to make rules for the purpose of providing for the safety and well being of emigrants during the voyage. Under the existing clause 24 of the Indian Emigration Act, we have power to provide for the safety, well-being and protection of the emigrants up to the date of their embarkation and on their return, but not during the voyage. But by this clause we take upon ourselves the power to provide for their safety, protection and well-being during the voyage. Sir, I move

The motion was adopted.

Mr. President : The question is :

"That clause 2 do stand part of the Bill "

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, I move :

"That in clause 2 of the Bill, in the proposed clause (*cc*), after the word 'conveying' the words 'more than ten' be inserted ; and the words 'exceeding a number to be prescribed' be omitted."

The object of my amendment is that the minimum number of emigrants which is required to be carried by a ship in order to constitute it an emigrant ship should be prescribed by this House and not by the Government of India Sir, the personnel and the policy of the Government of India vary from period to period To-day we may have a progressive department which manages this business of emigration; but to-morrow we may not have such a progressive department. It is, therefore, better that the minimum number of emigrants which is necessary to constitute an emigrant ship should be defined by this House, so that the definition may not vary according to the vagaries of the Government of India of a particular period I therefore think that my amendment is very necessary and reasonable.

As regards the second portion of my amendment, it is also quite necessary, because if we once fix the number at 10, we have to omit the latter portion of the first part of sub-clause (*cc*).

I hope, Sir, the House will accept my amendment.

Mr A. R. Dalal : Sir, I very much regret that I cannot accept the amendment moved by my friend Mr. Joshi. I think, Sir, I have repeated almost to the point of weariness that the object of the Convention was not the institution of any new system of inspection of emigrants where

none existed, but the simplification of the system of inspection of emigrants where it did exist. Now, Sir, what would be the result of accepting the amendment of my Honourable friend Mr, Joshi? The result would be that whenever any ten persons who come under the definition of the word "emigrants" travel, even say to Ceylon, immediately all the provisions of the Indian Emigration Act including the various Articles of the Convention would come into operation. Now, has my friend put forward a single argument to prove the necessity of such a provision? Has he proved that there are any hardships undergone by emigrants who now *travel to Ceylon and the Malay States? I submit, Sir, that he has* not attempted to do anything of the sort.

I would draw the attention of the House to the provision of the old Emigration Act, 1908. Section 2 (*4*) of that Act says.

"'Emigrant' and 'emigration' denote the departure by sea out of British India of a Native of India under an agreement to labour for hire in some country beyond the limits of India other than the Island of Ceylon or the Strait Settlements".

A similar provision exists in the British Act, section 364, which says:

"The provision of this part of the Act respecting emigrant ships shall apply to all voyages from the British Islands to any port out of Europe and not within the military....".

Mr. N. M. Joshi May I ask the Honourable Member on which of my amendment he is speaking, because I have not moved all of them. I thought he was speaking on the amendments which I have not yet moved.

Mr. A. R. Dalal: Sir, if we accept the Honourable Mr Joshi's amendment and do not take to ourselves the power to define the number of emigrants who travel by what we call emigrant ships, then I submit the arguments which I have just adduced are valid As a matter of fact, the two amendments of my friend Mr Joshi are so closely interconnected that it is really difficult to speak on the one without touching upon the other. Under the British Act also, I find that the number of steerage passengers which a ship should carry to constitute it an emigrant ship is 50, and not 10, as now proposed by my friend Mr Joshi. I submit, Sir, that for these reasons I cannot accept my friend Mr Joshi's amendment. Apart from that, as I have mentioned before, he has not made out a case to prove that any hardship is now undergone by passengers who *travel to Ceylon* or the Malay States, to which ports alone the Emigration Act is now applied and which alone we propose to exempt from the proviso.

Mr. President: The original question was·

"That clause 2 do stand part of the Bill".

Since which an amendment has been moved:

"That in clause 2 of the Bill, in the proposed clause (*cc*) after the word 'conveying' the words 'more than ten' be inserted; and the words 'exceeding a number to be prescribed' be omitted"

The question I have to put is that that amendment be made.

The motion was negatived.

Mr. President (to Mr. N. M Joshi): Does the Honourable Member wish to proceed further with his second amendment?

(*Several Honourable Members* : "Withdraw, withdraw".)

Mr. N. M. Joshi : I move, Sir

"That in clause 2 of the Bill, in the proposed clause (cc), the proviso be omitted"

Sir, this proviso gives power to the Government of India to make an exception, namely, that even though a ship may be chartered for carrying emigrants or even though a ship may be carrying emigrants of the prescribed number, still the ship may not be called an emigrant ship Sir, the Honourable Member in charge of the Bill explained that it is not the intention of the Government of India to apply this Act to emigrant ships going to Ceylon or the Malay States, and he gave it as a reason for the policy which the Government are adopting that Ceylon and the Malay States in the first place are what he calls "home-trade ports" Sir, Ceylon and the Malay States may be "home-trade ports" from the point of view of the British Government, because they are under the same Imperial Government, but from the point of view of Indian emigrants, they are not home-trade ports Our Government has no control over the Ceylon Government nor over the Malay Straits. I therefore think that the argument that these two ports are called home-trade ports cannot have much influence on the decision of this House as regards that point.

Secondly, he said that at present the ships conveying emigrants are being inspected by the Inspectors of the Government of Malaya and the Straits Settlements Now, Sir, my point is that if Indians are being carried as emigrants on ships, the ships ought to be inspected not by the Inspectors appointed by the Government of Malaya but by the Inspectors appointed by the Government of India It is only then that the emigrants will receive adequate protection The Honourable Member in charge of the Bill stated that, so far no complaints have been received Sir, it is difficult for me to say when Government will say that complaints are received. I have read several times in the Press that the condition of deck passengers going to Malaya and the Straits Settlements is not quite good and Mr C. F Andrews has once or twice made serious complaints about the point. I therefore think, Sir, that it is not right that we should give power to the Government of India to exempt ships going to the ports of Ceylon and Malaya from the operations of this Bill. I hope, Sir, the House will accept my amendment.

Mr. A. R. Dalal : Sir, I regret I cannot accept the amendment. The only point that the Honourable the Mover of the amendment has made is that certain hardships are being undergone by deck passengers travelling to Malaya and that it is necessary for the Government to see that those hardships should be removed. I understand, Sir, that the Report of the Deck Passengers Committee is now under consideration.

Mr. N. M. Joshi : May I ask when was the Report of the Deck Passengers Committee made ?

Mr A R Dalal : I am afraid, Sir, he must address that question to the Honourable Member for Commerce.

Mr. Sarabhai Nemchand Haji (Bombay Central Division : Non-Muhammadan Rural) : Was it not in 1921, Sir ?

Mr. A. R. Dalal: That point, I submit, Sir, does not arise out of the consideration of this measure. If any hardships are being undergone by deck passengers, they are being undergone by deck passengers travelling throughout the various ports and not merely by deck passengers travelling to Malaya. As for the conditions of the voyage of emigrants to the Malaya States, perhaps, I might expand my remarks to a certain extent. Recently, the Government of the Malay States urged the shipping companies to increase the number of their vessels and the accommodation on board ship, and I understand that two very fine vessels have been put on by the shipping companies at the request of the Malaya Government for the conveyance of emigrants and those vessels which were formerly conveying 5,000 British troops are now only conveying 3,000 emigrants. The accommodation provided for emigrants travelling to the Malay States is therefore very much in excess of what is laid down under our Indian Merchant Shipping Act and is better than the accommodation provided for British troops. Under these circumstances, Sir, I do not think that my Honourable friend has made out any case for removing the proviso altogether. If we were going to do so, we should have to consult the shipping companies and it would be impossible for us to carry this measure through in the present Session and that would be defeating the Bill altogether, because we would not be able to give effect then to the recommendation of the International Labour Organisation and bring into operation the provisions of this Convention by the 1st January 1928.

Mr. President: The question is:

"That in clause 2 of the Bill, in the proposed clause (cc), the proviso be omitted."

The motion was negatived

Clauses 2 and 3 were added to the Bill

Clause 1 was added to the Bill

The Title and Preamble were added to the Bill.

Mr. A. R. Dalal: Sir, I move that the Bill be passed.

The motion was adopted

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President in the Chair

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RESOLUTION *RE* CENSORSHIP OF CINEMATOGRAPH FILMS.

The Honourable Mr. J. Crerar (Home Member): Sir, I beg to move the following Resolution

"That this Assembly recommends to the Governor General in Council that he be pleased to appoint a Committee to examine and report on the system of censorship of cinematograph films in India and to consider whether it is desirable that any steps should be taken to encourage the exhibition of films produced within the British Empire generally and the production and exhibition of Indian films in particular."

Sir, in view of the fact that a considerable amount of criticism has lately been passed in this House upon the appointment of Committees and of the

[Mr. J. Crerar.]

fact that on some occasions the Government of India have been unwilling to appoint Committees which this House has been desirous of appointing, I should have some hesitation in making this motion if I did not feel confident that I had a really strong and convincing case to lay before the House. I think that in the matter of appointing Committees there are two considerations to be taken into account. The first is whether there is a problem of sufficient importance and urgency to call for an inquiry and the second whether a Committee of inquiry is the best means of carrying it out. I shall revert to this particular point later. Meantime, I think I need say very little to emphasise the great importance of this question. It has been pressed very strongly upon the notice of Government in many ways and in particular on more than one occasion by Resolutions moved in the Indian Legislature. The last occasion, in fact, on which it was prominently brought to the notice of Government was the Resolution moved by the Honourable and learned gentleman who is the Leader of the Congress Party in another place. Sir, the rapid and extraordinarily wide development of the cinematograph throughout the world has brought a new force into being. It is as a matter of fact now one of the great forces for good or evil now operating upon society. In respect of very large sections of the population it rivals, if in some cases it does not even surpass, the power of the printing press and the platform and even the pulpit for the communication and dissemination and formation of ideas. It has a peculiar appeal because it appeals directly to the eye. It is not only that the cinema has become a favourite amusement of large sections of the community. We have to deal with what is not only a great force but what may be a great art. And in dealing with matters of that kind, we have to be very careful of the principles on which we proceed and the expedients by which we propose to operate. Now, Sir, the censorship in itself, however efficient the censorship may be, is by no means a final answer to the various problems which the cinema sets up. Censorship in all forms is an extremely difficult and extremely delicate task. It imposes a very heavy responsibility on those who are entrusted with it and it is not unnatural that the operations of the censorship should be subject to a very great deal of criticism. Indeed, Sir, I do not overstate the case when I say that an official censorship set up by law of all forms of official activity is itself one of the most exposed to censure It is by no means easy to establish any rigid or hard-bound rules by which the censorship could operate If, for example, we set out to exclude from the cinema such matter as an educational authority might exclude from school books we should find ourselves very much in the wrong If we attempt to proceed on rigid principles of that kind, if I may paraphrase a familiar phrase, the public would fight and the public would be right.

Sir, I intend to dwell very briefly on what is the existing law. Two Statutes were passed, one in 1918, and one which very considerably amended it in 1919, to set up a censorship. The main principle adopted was that the Government of India should be empowered to authorise Local Governments to institute boards of censors and it was then provided that at least half of such boards should consist of non-official members. In pursuance of those powers the Government of India have authorised the Local Governments of Bombay, Madras, Calcutta and Burma to institute such boards. Those provinces have been selected for the natural reason that they are sea port towns and the points at which the greater part of

films shown in India come into the country. Other Local Governments are of course not left without powers. The certificates of films which are censored by the boards at the 4 centres I have mentioned are in the first instance valid for any part of India. But the Local Government may at its own discretion declare to be uncertificated any film which they consider unsuitable for exhibition in their own jurisdiction, and such a film cannot be exhibited. Other local authorities have also powers enabling them to deal with matters arising in their charge. The District Magistrate, for example, may, if he finds that a film which is being exhibited or is proposed to be exhibited, in his charge, is unsuitable, suspend the certificate and submit the case for the orders of the Local Government. That, Sir, is the general existing machinery and so far as the actual powers which it conveys are concerned, I do not think they are inadequate. The question is largely whether we have arrived at the most convenient method of applying them. As I have said, it is impossible to attempt to establish any machinery with standards of universal application.

The kind of criticism which has been made against the operation of the existing censorship is of a very diverse character. Exception has been taken by members of the European community, to a class of films which has particularly aroused the criticism of the members of that community and which are of a type of film, usually coming from America, which, without coming within the extreme limits which obviously render the film unfit for exhibition, nevertheless represent customs of society and manners in an undesirable light. That objection has been taken not only by the members of the European community. The objection has been taken equally strongly and in respect of the same matter by Indian opinion, and the point was argued at very considerable length and with great force and lucidity by the Honourable and learned member, to whom I have already referred, in another place. Then there are questions of a provincial point of view For example, there is a case which came to my personal notice It was a film dealing with the life of Buddha It was imported I think, at Bombay and was there certified The film, as a matter of fact, dealt with a great and sublime episode in a reverent and respectful spirit It was produced in Bombay, Calcutta and in many parts of India without any objection being taken to it But when it was produced in Burma, very strong exception was taken to it. There are several instances of that kind which I could quote which indicate that films may be passed by the board of censors according to very reasonable standards for larger cities like Bombay or Calcutta, but which, nevertheless, when they are exhibited to less sophisticated audiences in Upper India, are found to be objectionable That point of view has been impressed upon the Government of India from several parts of the up-country of India As regards the criticisms that have been made regarding the work of the boards of censors, I should like to point out that to a very large extent they have been of a very general nature, which makes it difficult for the boards to take effective notice of them I would suggest one practical measure that if in any film anything obviously objectionable comes to the notice of any private person, the best course is to call the attention of the board of censors which certified it, not in general but in specific terms Criticism of that character would be of very material assistance to the Boards.

Now, Sir, in the various discussions which have taken place on our general system of censorship, on more than one occasion the suggestion has

[Mr. C. Duraiswamy Aiyangar.]

have given notice of and which runs as follows :

"That for the original Resolution the following be substituted :—

'This Assembly recommends to the Governor General in Council that he be pleased to appoint a committee consisting of a majority of non official Indians with an Indian as the President of the committee .

(a) to examine and report on the system of censorship of cinematograph films in India ,

(b) to examine and report on the kind of films now exhibited in the various theatres ,

(c) to suggest legislative measures to be adopted for preventing and penalising the exhibition of films having a demoralising effect ;

(d) to consider and report on the desirability of preventing religion being dragged into the films of cinematograph '."

Sir, I have heard with great pleasure the fine arguments of the Honourable the Home Member in presenting his case for proving the necessity of appointing a committee for cinematograph censorship The Honourable the Home Member started by saying that this House is naturally prejudiced against committees and that, therefore, he with great diffidence moved the Resolution relating to the appointment of a committee. But I may assure him that, if the Government have the same warmth in putting into force the recommendations of a committee as they have at its institution or inauguration, surely much of the prejudice of this part of the House would have faded long ago. On the other hand, what do we find in practice ? We find in practice at the inauguration of a committee, all the warmth and zeal is exhibited by the Government. They start with big pronouncements ; they start with pompous declarations and they start with all sorts of communications. But after the committee have sat for a long time and after they have spent lakhs of rupees of public money in their investigations, and after they have made the recommendations, then comes all the delay and the disinclination and the aversion to give effect to those recommendations If this be the conduct pursued by the Government of India, we are amply justified in viewing with alarm the starting of any committee. I hope the Honourable the Home Member will in this case, at least, try to give effect to the opinion of the Indian members on the committee, such as he has described to us, as forming the constitution of this committee.

Sir, when I read this Resolution, I considered, at first sight, that it was *of the gravest importance that a committee of this nature must* be appointed to make the enquiries under contemplation. But, when I got deep into this, I found the Resolution as framed by the Honourable the Home Member contained words which must be taken with a little bit of suspicion and alarm by this part of the House. Sir, in this Resolution the Honourable the Home Member says :

"That the committee should consider whether it is desirable that any steps should be taken to encourage the exhibition of films produced within the *British Empire* generally and the production and exhibition of Indian films in particular."

Sir, I do not know why this partiality should be exhibited for films produced in the British Empire alone. If the films exhibited in cinematographs are to have an educative value to the audience which are attracted to it, then I cannot understand this partiality shown to the British products. I, for one, Sir, will always be willing to have films of all countries exhibited in cinematographs provided they do not

have a demoralising effect, provided they are not calculated to humiliate one section of the world and exaggerate the virtue of another section of the globe. If that be the object with which these films are exhibited, if the cinematographs represent the true state of conditions, they thereby act as an educative force. Then, I am sure, films coming from Japan, films coming from China, those coming from Russia, from Germany or those coming from any country for the matter of that, must necessarily be wholeheartedly welcome to Indians. I do not for one moment understand why this Imperial Preference, why this preference for British films alone must be shown even in the cinematograph industry. They have a good deal of preference in every industry and in all other things that concern the British interests. At least so far as the film industry is concerned, let them not have this partiality for British Empire films, or for Imperial films alone.

Sir, the Honourable the Home Member has also stated that the censorship is being made effective and is worked with more or less efficiency. But, Sir, the proof of the pudding is in the eating. When we see the various kinds of films that are exhibited in this country, we find that there has been absolutely no efficient or effective control over the exhibition or the selection of appropriate films in India I am glad to hear from the Honourable the Home Member that the European community itself has expressed resentment always at the manner in which the Western life is depicted in the films in this country. Yes, they feel it, and I wish that feeling is also reciprocated I wish that it is also realised that when we Indians are depicted in books like that of Catherine Mayo and when we resent the atrocious manner in which we are depicted in books of that sort, I hope that the Honourable the Home Member will realise and appreciate the feeling of Indians I say with all the emphasis that I can command that we are injured by such films, by such book-films and by such treatises aided and subsidised and financed by the various persons who are interested in humiliating this country If, Sir, some of the pictures which are depicted in this book are to be transformed into films and brought to this country and exhibited in the cinematographs, then I hope the Honourable the Home Member will stand by our side and see that these films are prohibited I feel for the European community I appreciate their indignation when Western life is depicted in the most undesirable ways in this country I hope that feeling will also be reciprocated by the Honourable the Home Member so far as we are concerned.

Sir, the Honourable the Home Member has informed us what the constitution of this Committee is going to be and he has informed us that the Indian President has already been selected I am glad to hear that. Sir, very often we do realise that Committees are pre-arranged, pre-formed, and everything is settled and the recommendation of this House is only a formal affair. However, if this Committee is properly constituted we shall have not the least objection to that But as it is we do not as a matter of fact find that there is a majority of non-official Indians, and I do not see how Government will suffer if they satisfy the desire of this part of the House by adding one more Indian and thus make it a majority, which my amendment seeks to do

In the amendment of which I have given notice I have not tried to exclude any of the main purposes for which this Committee is to be

[Mr. C. Duraiswamy Aiyangar]

appointed according to the scope of the Resolution moved by the Honourable the Home Member. But I wanted to emphasise the fact that certain necessary instructions must be given to the Committee in the shape of definite propositions and definite powers which they have to exercise as members of the Committee. Oftentimes you find that the members of a Committee are told that a particular enquiry or a particular investigation is not exactly within the scope of the reference To avoid that sort of thing I place before the House certain items of specific reference which must be considered by the Committee First of all, I say, Sir, it is " to examine and report on the system of censorship of cinematograph films in India "—which I have reproduced from the Honourable the Home Member's Resolution itself , but I have also asked them not only to examine and report on the system of censorship but to examine the actual films that are being exhibited in the various cinematographs, so that they may see how far the censorship is obeyed. If the censorship is not properly obeyed and is in practice ineffective it is the duty of the Government to frame the necessary legislation in order not only to prevent undesirable films coming into existence but also to punish those who have exhibited films contrary to the censorship.

Now, Sir, the most important thing that I wanted to put into this amendment of mine is the question of religion not being dragged into the cinematographs , and I am glad to see that the Honourable the Home Member has himself stated an instance where the Life of Buddha was exhibited as a picture and approved in various parts of this country but when it went to Burma there the devotees of Buddha resented it and it was found to wound the religious feelings of Buddhists in that province. I can also quote to my Honourable friend the Home Member several other cases in which religion and religious legends and incidents which are recorded in the Puranas and the Holy Texts have been dragged into the films. There is the birth of Krishna, there is the Kalinga Mardana Droupadi Vastrapaharana. So many things of this character are now being manufactured by Indian film producers I found also at these exhibitions that a good deal of Puranic history has been converted into some false stories, legends and other things So great is the mutilation of it that when these pictures are taken to other countries, as sure as anything those other countries will try to ridicule them without understanding where the mistake lies or where the mistake does not lie In this connection I may point out to the Honourable the Home Member the remarks of the Editor of the *Madras Mail* about the mentality of the persons who attend these cinematograph exhibitions. He says :

" It is extremely difficult for a member of the audience constantly to remind himself that the scenes he is witnessing are influenced by the place of their production, the nationality of their producer, the kind of people he works with, the producer himself and by the actors considered in similar relations Even the most aloof, critical and highly educated person is only partially able to rid himself of the impression that the camera does not lie when a film is convincingly presented "

That shows the enormous psychic force and the psychological effect which is produced by the films upon persons of various kinds of education and culture who are attracted to them, and it is absolutely necessary that a good deal of care should be taken in seeing that the Puranas

and other religious subjects are not brought into the scene of ordinary cinematographs. Of course the Honourable the Home Member has stated how British people do not appreciate and even condemn the American cinemas. I believe the reason is also mentioned by the Editor of the *Madras Mail* as to where the crux of it lies. The *Madras Mail* says :

"The outcry against the American war film 'The Big Parade', for example, was directed not against any actual details of presentation, but against the underlying assumption of the film that America won the war."

Therefore the British people naturally resent America exhibiting in all the cinematographs that they won the war, and not the British people. And if the British resent this simple thing, how much more must we resent it if our religion is sought to be exposed even to the extent of being humiliated by foul and perverse stories. Therefore, I am strongly of opinion that much care must be taken by this Committee in prescribing what kinds of films alone can be exhibited. Sir, the film exhibitor after all is not there for educating the people ; he is not an educationist. On the other hand, he is a commercial man. The more he can draw people to his shows, the more profitable it is for him. Therefore he mixes up so many things which are false but which he wants to make appear true, as the Editor of the *Madras Mail* again points out :

"For him a historical picture means 90 per cent. production and 10 per cent historicity. Production is the art of making the impossible credible British historical films have largely succeeded in making the truth incredible."

If, in dealing with history, the truth is presented in such a crude and undesirable manner what shall we say when they begin to deal with our Puranas which belong to 5,000 or even 10,000 years ago ? They are exhibited to us in most humiliating forms and in figures which are ridiculous, humiliating and demoralising. I say, Sir, that it is absolutely necessary that this Committee should work promptly and immediately. It is also equally necessary that as we are dealing with the exhibition of films in this country and dealing with films relating to this country, the majority of that Committee must be Indians Indian sentiment must prevail and it must be properly brought before the notice of the Committee These things are absolutely essential and, therefore, I request the Honourable the Home Member to consent to this amendment by raising the number of non-official Indians that are to sit upon this Committee, to such an extent as to make it a majority Certainly he is interested in seeing that the films are properly regulated, controlled and checked in the interests of both the European as well as the Indian community ; and among non-officials there are certain Europeans domiciled here who will no doubt take an interest in this matter I will go to the length even of not objecting to such a member on the Committee who will make it a non-official Indian majority. I for one have been anxious that this Committee should commence its existence soon if it is to do really useful work , and therefore it is that I did not put into my amendment that the non-official members of the Committee must be elected by the elected members of the Legislature which might act as a red rag to the Government. I avoided all these expressions for the sake of promptly bringing into existence this Committee, and provided the Honourable the Home Member agrees with my view in this matter, a view which I believe is shared by all my Honourable friends on this

[Mr C Duraiswamy Aiyangar]

side of the House, the Committee will be quite acceptable to the Indian community.

Sir, I move the amendment.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural) : Sir, I am fully alive to the necessity of appointing a Committee for the censorship of films, but I agree with my Honourable friend Mr Duraiswamy Aiyangar that the sphere of the activities of this Committee should not be confined only to encourage the exhibition of films produced within the British Empire. I think, Sir, as he has already pointed out, that no Imperial preference should be given in this connection

The other point, and the point in my opinion which is more important than that, is the appointment of the Chairman of this Committee. Sir, I have great respect for the Honourable Mr. Rangachariar. He was for a long time a Member of this Assembly and I have very great regard for his ability But I consider it a slur upon the present Members of this House that an outsider should be given preference in being appointed to an office or as a member of a committee I note that the Honourable Mr Rangachariar was appointed by the Government to represent India in Australia last year, and now I find that the same Honourable gentleman is appointed as Chairman of this Committee It means that the Government have no faith in the capacity of the present Members of this House or that they consider that the present Members are not fit to hold that office in the Committee which is being appointed. I have not the slightest idea of saying anything against the Honourable Mr. Rangachariar, but what I submit is that making a selection of the members and office bearers of such Committees the rights of the present Members of the House should be kept in the forefront. If, of course, no Member of this House is willing to serve or is capable of working on such Committees, then an outsider may be appointed. But as long as Members of the House are willing and capable of holding office or of being Members, they should be given preference over outsiders The work of censorship of cinematographs is not I think such a highly technical thing for which you require the special knowledge of an expert ; and even if you do require it I do not think my f [illegible] cial qualifications in that directi [illegible] Bar and I think we, in this H [illegible] of the Bar like the Honourable Mr. Rangachariar. I therefore strongly urge upon the Government that in appointing the office bearers of committees they should not go over the heads of the present Members of the House, who should be given preference in the matter of such appointments. With these reservations I support the Resolution.

Lala Lajpat Rai : Sir, I consider it my duty to enter an emphatic protest against the insidious way in which various methods are adopted to thrust the principle of British Imperial preference upon this House through the back door. I think this is a very objectionable procedure and I wish the Members of this House were strong enoguh to-day to show to the Government their resentment of the procedure adopted by the Government. Sir, I do not object to the appointment of a Committee to consider the question of censorship of cinematograph films ; but I find

that the real object of this Resolution is practically to afford a kind of protection to films produced in the British Empire. As regards the encouragement of the Indian industry it is all eye-wash. We know that the Indian industry is not in a good condition. I would rather urge that no films except those produced in India should be exhibited in India at all. I do not see any reason why the British Empire should have the preference, and why only films produced in the British Empire should be exhibited and not those produced in any other country. If this principle is going to be adopted I do not see why it should not be introduced all round specially in the book industry as well. Cinematographs have an educational value ; so have books. Authors of books are being encouraged to come to this country and Government officials co-operate with them so that they may write books which are extremely humiliating to the Indians, full of lies and insulting to the manhood and womanhood of this country. I do not understand this parental solicitude to protect the morals of the people of this country. I cannot see any purity of purpose behind this Resolution considering the attitude and behaviour of various officials in connection with a book which is now on the lips of everybody in this country I can see no basis for this Resolution except the anxiety of Government to protect and encourage British produced films. Why not extend that anxiety also to the protection of British Empire produced books and give those a preference over American produced books. If an American author can be imported into this country and helped in the work of degrading the people of this country, I see no reason at all why American films should not be exhibited in India. The European community is very anxious not to let films into this country which depict a degraded view of European life. But are those films entirely false ? And, if they are true to the life of the people, why should there be any objection raised to their being exhibited in this country ? Sir, I have travelled in many countries and I think there is a deliberate conspiracy amongst film producers in the various countries of Europe and America to bring into discredit and contempt all Asiatic countries by means of cinematograph productions. I have seen several films in England and elsewhere in which most disgraceful and humiliating scenes representing Asiatic life are shown nauseous details of a rajah's life or a nabob's harem, which are produced simply to prejudice the English and other people against Asiatics in general and Indians in particular. I say that the anxiety behind this Resolution is not genuine and is really an anxiety to protect the British film industry, because perhaps the British films in competition with the American article do not draw such crowded houses and do not bring in much money. I therefore strongly object to the whole of this Resolution, unless the words relating to British Empire preference are entirely deleted If those words are deleted, I will have no objection to the Resolution. (*An Honourable Member* : " They are not in the amendment ") But in the amendment there is one defect which I wish to point out, namely, that the Honourable Mover has not added the words " manufactured in India ". His amendment therefore gives no encouragement to the film industry in India. If he adds those words the amendment will be an excellent one.

One word more. The Honourable the Home Member has told us that there was some kind of conference in England which discussed this

[Mr. A. Rangaswami Iyengar.]

is good for anything, he can consider it good enough also for the appointment of the Committee. Therefore, I sincerely trust that the Honourable the Home Member would be pleased to allow this House to elect this Committee and also to omit the words " within the British Empire", and that he would adopt the policy which his colleague the Honourable Sir George Rainy has definitely accepted and is out here to carry it out, namely, that of protecting Indian industries. Therefore, I hope, Sir, that both these amendments will be accepted by the Honourable the Home Member.

Colonel J. D. Crawford (Bengal : European) : Sir, I rise to congratulate the Government on having taken steps to bring the Cinematograph Censorship Act under revision. I am one of those who have received very many complaints from my own community regarding the misrepresentation of the conditions of western life in cinematograph films shown in this country, and I can sympathise with my friend, Mr. Duraswamy Aiyangar when he says that his community also have objected and must rightly object to any misrepresentation of Indian life in western countries through the cinematograph Sir, the cinematograph is, I believe, of great educational value ; it is one of the greatest educational factors of the future, and it seems to me perfectly right that we should do all we can to see that the films presented in public places, both for amusement as well as for instruction should be of the very best stamp and kind.

In regard to one aspect of the Resolution, namely, the production and exhibition of Indian films in particular, I feel that that is a point of very real importance Sir, if the cinematograph industry is to flourish in this country, it has not only to serve a few communities, but it has got to serve all the different communities that inhabit this vast continent ; it has also got to penetrate right through into the Indian villages For that purpose I feel very much in sympathy with my friend Mr. Duraiswamy Aiyangar's amendment, that the proposed Committee should have a non-official Indian majority, because I feel that a Committee of that description is likely to know exactly what type of film is wanted for Indian audiences.

I do not think, Sir, that the rest of his amendment is complete, although all the big questions he has put down are questions which will undoubtedly be examined by the Committee. I agree with my Honourable friend Lala Lajpat Rai that the question of building up an Indian film industry should be included. In India we have climatic conditions admirably suited to the building up of a film industry. In our historic life, there are romantic and historical incidents which would make very admirable pictures if the industry is controlled and guided on right lines, and altogether we have a great opportunity in India of producing films which will show to the other parts of the world what India really is, and that, to my mind, Sir, is a matter of very great importance. Sir, I would strongly support my friend Mr. Duraiswamy Aiyangar's suggestion that there should be a non-official Indian majority on the Committee, and I trust that the Committee will be able to produce really something more satisfactory than the present system of censorship, and will give very real assistance for the building up of an Indian cinematograph industry.

Mr. Muhammad Yamin Khan (Nominated : Non-Official) : Sir, I am one of the regular cinematograph goers, and when I go to a cinematograph, I do not think I care very much to see whether the film is produced in Germany, America or England or in India ; but I go with a view to see good art and to get good enjoyment. I think, Sir, everybody who goes to a cinematograph has only one point in view, and it is that, after the day's work is over and after having spent the whole day (*An Honourable Member* : "In the Assembly") say in the Assembly or in other places, one would like to have some sort of relaxation which may give some relief to his brain. But one thing which I have noticed in England is that there are certain cinematographs which are reserved for people of tender age, the like of which we do not find in this country. There were cinematographs which were very instructive and certain cinematographs specialised themselves in producing films of the type which may give good instruction to people of tender age. One cinematograph I remember used to produce only historical events like the life of Queen Victoria, Julius Caesar, Napoleon Bonaparte and others. There were other cinematographs which produced only social events Then there were others, Sir, which produced different kinds of films for people of different tastes Here what we find is nowadays really one thing which is coming from the Pathe films and other films which come to India, though I do not attach so much importance to this kind of feeling which might be prevailing in the mind of my Honourable friend, Colonel Crawford, that people in India consider western life as they see it in the cinematograph—and they see western life in the worst form of it—or they attach some value to it, thinking that it is western life or what life, as I go to the cinematograph and I have a talk with many of the people who go regularly to the cinematograph, I can say that they do not think a bit about whether it is representing western life or not, but they want only some kind of fun. Nobody takes it seriously that it is really the life of western countries that is depicted. They say it is only some foolish acts that are done on the cinematograph and are shown just to please men

Lala Lajpat Rai : All are not like Mr Muhammad Yamin Khan

Mr. Muhammad Yamin Khan I think most of them are like myself

Lala Lajpat Rai : I doubt that very much.

Lieutenant-Colonel H. A J. Gidney (Nominated . Anglo-Indian) : Who says this ?

Mr. Muhammad Yamin Khan . But I quite agree with one point which has been made by the Honourable the Home Member and by other Honourable Members too, that there are some films that, though they may be amusing to some people, are really objectionable if we find that they are visited by young boys from college or school children and women, and they find that these films go beyond the limit of decency. Those kinds of films are really objectionable Though some things may not be considered objectionable in western countries, for instance in Europe and America and other places, from the point of view of India, on account of the different social customs prevailing here, they are really objectionable.

Mr. President · What about the Resolution ?

Mr. Muhammad Yamin Khan: That is what I am saying. The Resolution aims only at stopping these very films which I was just mentioning. 'It asks that these objectionable films should be stopped and should not be exhibited That is the only thing which we want at present in India. But to come to this conclusion and to make recommendations, Sir, we can only do this in two ways. Either by creating public opinion which may insist that these films should not be exhibited, and that nobody should patronise these films when they come, which is impossible. This cannot be done by creating any public opinion in favour of such action because the people who have got the cinematograph business can always find an audience willing to patronise them even by showing the worst kind of films and the most objectionable kinds of films too. Now, the only thing that can be done is by legislation and legislation can be initiated by the appointment of a Committee which will go thoroughly into this matter and after seeing the whole situation they might make definite and substantial recommendations which might be acceptable to the House as a whole

There is one point, Sir, about the Indian industry I think the Indian industry in films is making rapid progress. About three or four years ago, the films which were produced in Bombay and Madras—the Coronation Company and other companies—were worthless and did not attract any kind of audience People would not like to go to see them in preference to the American films or English films or French films. But now I see that rapid progress has been made by these companies and they are putting up some very good shows, and this industry I think deserves a great deal of consideration and encouragement by this House. But one difficulty to my mind is coming up in the Indian Films Act, and I agree with my Honourable friend Mr. Duraiswamy Aiyangar's suggestion in clause (*d*) of his amendment with regard to the desirability of preventing religion being dragged into cinematograph films. In most of the films shown in India at present I find there is a touch not of social events but of religion . they drag in religion or some very delicate points and communal questions which are not desirable for creating a good atmosphere in India. And I think from the political point of view and from the social point of view, those things require to be checked

One word, Sir, about the appointment of the Committee. Certain names have been dragged in which I consider very very unfortunate for this House to indulge in. The name of my old friend, Mr. Rangachariar, has been dragged in Those Honourable Members who are here who were members of the first Assembly might remember in what esteem we all held Mr. Rangachariar

Lala Lajpat Rai : Even now we hold him in esteem.

Mr Muhammad Yamin Khan · He was one of the foremost members and very liberal minded, and he always fought for radical changes in this Assembly Mr. Rangachariar's character was unimpeachable from all points of view and from all sides in this Assembly. I think it deplorable that any attack should have been made on a Member who is not present to defend himself.

Mr. T. C. Goswami (Calcutta Suburban : Non-Urban) : I have not

Maulvi Muhammad Yakub : May I point out, Sir, that it was not intended to attack the character or the policy of the Honourable Mr. Rangachariar. What I submitted was the question of principle that an outsider should be given preference over the present Members of this House, and this I think is not right, and it throws a slur upon the present Members of the House. I do not in any way want to throw a slur on Mr. Rangachariar, but it is the principle which I consider to be objectionable.

Mr. President : I did not think the cap fitted the Honourable Member. I thought the Honourable Member was referring to the speech of Lala Lajpat Rai.

Mr. Muhammad Yamin Khan : Sir, what I was alluding to was not the speech of the Honourable the Deputy President of this House, and I think like a valiant champion fighting for the honour of the present House, it was his duty to come forward and to say what he said.

I am sorry I cannot agree with his views. I do not think that the present Members of this House have got any preference over the Members who have once adorned the Benches of this House if they are suitable and capable to deal with this case. I do not think that even the present Members should have any privilege over those people who have not had the privilege of coming into this House as Members It is fighting for a privilege which, I think, will defeat its own ends I do not think Honourable Members of this House should be so narrow-minded as to want that they should be placed in each and every position and nobody else should have any privilege outside this House. It is too narrow , we should not take that view ; it is undignified , it is objectionable from the point of view of India. We should not exclude all Indians who could not come and serve or who have not had the opportunity of serving India here but who are quite ready to serve outside in different spheres ; they should not be shut out and Members of the present Assembly only should not be made to take each and every position. In other words, it is not right that we should get everything and not others. Is it that, if after three years the present Members go out of office, all those privileges should be taken away from them and they must be entrusted to somebody else ? That is not correct I do not think that at this time the Honourable the Deputy President was voicing the feeling of this House.

Maulvi Muhammad Yakub The feeling of a large number, at any rate, of the Members of this Assembly.

Mr. Muhammad Yamin Khan Coming to the merits of the resolution and the amendment, I certainly suggest, Sir, that it is not desirable to have Imperial preference in an industry and an industry which only
else. One point which strikes at the
are you going to control cinemato-
which may be coming in or are imported from America or other places, like the film Indian Raja ? He is depicted to be a great villain who abducts all the white girls and who is keeping a big harem in America and who comes riding on an elephant and who after inviting ladies shuts them up in his room. We have got no check over America producing this kind of film. Of course if a film is

[Mr. Muhammad Yamin Khan.]

produced in England, if we have no direct control over the company in England, at least through the Indian Government we could bring pressure to bear upon them. If English people produce a film of that kind, India can produce just the reverse kind of film, showing English life and character badly. Of course that will soon teach every body a lesson. We can only go to this length to see whether the particular film is suited to the condition of the country. We have to see that our country does not get demoralising pictures which may tell very injuriously on the minds of the young and uncultured youths from schools and other places. Indian ladies have now started to see the cinematograph and I like it very much. But would it be desirable that Indian ladies after coming out from purdah should see such kinds of films that are exhibited nowadays? There should be some check on them and for this purpose there can be only one control, which the Committee can go into. We should not show any kind of suspicion about a Committee that is going to be formed? Supposing a Committee is constituted which is composed of certain people and the Committee does not do as we expect. The only result will be it will make absurd recommendations; it is open to this House not to accept them. We can discuss that after the recommendations are made. But it is putting the cart before the horse to say we have got doubts that the Committee is not going to be good, because we do not know what sort of Committee is going to be formed. It was quite right on the part of Government not to mention the names, because we are all human beings, like my valiant champion in the Assembly. It is not right to say that if a Committee is to be formed it should be composed of the Members of the House. No Committee should be formed with the consent of this House, because we are bound on account of our feelings to say that we must prefer the Members of this House over others.

Maulvi Muhammad Yakub: If the consent of this House is required to appointing a Committee, certainly the Members of the Committee ought to be selected from amongst the Members of this House.

Mr Muhammad Yamin Khan: If this House is consulted about the formation of the Committee, I suppose there are some Honourable Members who have never gone to the cinematograph and they might be selected for this Committee. The only possible suggestion is the suggestion of the Government of India. The Honourable Member in moving his Resolution did not ask this House to form a Select Committee but that the Committee may be formed from outsiders who may impartially go into the whole question.

Maulvi Muhammad Yakub: As if Members of this House are partial?

Mr. Muhammad Yamin Khan: I suppose that the Member who is expected to sit sometimes in the Chair should know first how to keep himself in order.

Maulvi Muhammad Yakub: Therefore he tries to keep order.

Mr Muhammad Yamin Khan: At present if Honourable Members, who come and devote long time to the sittings of this House over a month in Simla and about three months in Delhi, are entrusted to do other

not look very good to some. I know that it will not commend itself to some Members, because it is going against the desires of some Members who want to sit on that Committee. I, at any rate, support this Resolution, and I think the Honourable Member in charge will accept at least clause (*d*) of the amendment.

(Some Honourable Members moved the question be put.)

Mr. B Das (Orissa Division : Non-Muhammadan) : Sir, I welcome this Resolution, this censoring of American films, I would rather welcome a Resolution which would censor American women. I particularly refer to Miss Mayo and her book Sir, that book has aroused strong comment from Indians and we all condemn that sort of book American films have no doubt done great injury to the minds of the Indian public and Indian youth I find that American books are doing now great harm to the honour and dignity of India I want British films, they must be good films and should be exhibited in India as well as Indian films and continental films if they are good and if they are educative to students and the youth of India Sir, I support my friend Mr. Duraiswami Aiyangar's amendment which goes into the details and brings out the essential points that are necessary from the Indian view point I am glad, Sir, that this Resolution has given an opportunity, to us to condemn the action of a certain American woman and I wish we could bring in another clause in this Resolution by means of which we will be able to condemn every foreign woman who writes irresponsibly anything about India ; and that book, I hope, will be proscribed under certain sections of the Criminal Procedure Code. In reference to films to be exhibited I want only .

4 P.M.

(It being Four of the Clock, Mr President called upon Mr. M. K. Acharya to move his motion for the adjournment of the House)

MOTION FOR ADJOURNMENT

SERIOUS SITUATION IN THE BENGAL NAGPUR RAILWAY WORKSHOPS AT KHARAGPUR.

Mr. M K. Acharya (South Arcot *cum* Chingleput Non-Muhammadan Rural) Sir, from the pleasures of the cinematograph we have to turn to the pains of the workshops at Kharagpur At the very outset I desire to convey to you, Sir, and to the Honourable Sir George Rainy the thanks of the thousands of workmen there for affording this opportunity to discuss the very serious situation that has arisen in that place I want to be very brief, and I shall, therefore not go into very ancient history It was last Wednesday when compulsory notices were served upon about 1,300 people asking them to quit the workshops—it was then that the situation became very serious Nearly 700 men had voluntarily resigned before that date. But on the 7th about 1,300 notices were served compulsorily asking as many men to retire Then the next day, I believe, the men met and discussed the situation, and came to the conclusion that these notices were served upon men in a manner which was bound to elicit the sympathy of the other men. Therefore, they seem to have gone to the workshops, and simply attended them without doing the work. On the next day, it was that the men were determined that some justice should be obtained for those who, they considered, were unfairly retrenched.

[Mr. M. K. Acharya.]

It was then that the railway authorities found the necessity for locking up the workshops and calling in military aid to guard the streets and the workshops Sir, the whole thing therefore relates to the retrenchment problem at Kharagpur. I am ready to admit that that retrenchment has been resolved upon evidently by the various agencies concerned from very different motives It has been given out to the men that it is all brought about under the directions of the Railway Board. And I believe that the Railway Board with the very best of intentions, on the impression that there were too many men in the Kharagpur workshops, came to the decision that a large number of men must be retrenched. That was evidently the motive of the Railway Board. But the Managing Director, the Agent, the Chief Mechanical Engineer and some of the superior officers seem to have had also their own intentions I do not say that they were wrong or right , but I do say that they had other intentions than those which moved the Railway Board Now, Sir, through the kindness of some other officers more sympathetic towards the men in their troubles the men have been able to obtain copies of secret correspondence which clearly shows that this matter had engaged the attention of the Managing Director and the Agent for some time past. In the early part of the year, soon after the unfortunate strikes, they seem to have been discussing this matter pretty seriously, and trying to find out how far the work of the railway could be carried on without depending entirely upon the workmen with whom they were dissatisfied Therefore, and as a result of this correspondence, an attempt seems to have been made to see whether some, indeed a great deal, of the work that was being done in the workshops could not be got done through private contractors from the Calcutta firms I will read, Sir, only one or two paragraphs

The Honourable Sir George Rainy (Member for Commerce and Railways) · May I ask if this document is a document which the Honourable Member admits is not properly in his possession ?

Mr. M K Acharya . I am unable to make any such admission It is a piece of information which has come into the possession of the men, and I want to give it to the Honourable Member to show exactly how the thing has been going on so that he may find out the proper solution. It has been sent to me by the Labour Union and they have obtained it, I take it, through very proper means As I have said, they obtained it through the kindness of some of the officers who are very sympathetic towards them, and who were willing to let them know how the whole thing was being worked That is my impression However, here is the letter from the Managing Director to the Agent in which it is said

" The work done in shops divides itself into two heads

(a) Repair work,

(b) Manufacturing work.

The workshops must do repair work, and because in the early days of Indian Rail ways there were no private workshops in India capable of doing manufacturing work, railways had to embark on this work themselves Times have changed and there are many private workshops in India that can turn out good work The line, I think, we ought to take is to reduce our manufacturing work, giving it out on contract to private firms, and give this reason why we are making large reductions in our workshops "

Then, Sir, on this letter there is a long correspondence. There is a long letter submitted by the Chief Mechanical Engineer to the Agent , and there he says :

"We are already arranging contracts for the manufacture of a substantial quantity of Loco spares, iron and brass castings and forgings and loco cylinders complete—which we can now buy cheaper than and fully as good as those we make ourselves. We shall probably cast as more cylinders here, and this I hope is the beginning of the end of the foundry."

This last sentence I would like to emphasise. The letter proceeds :

"The very favourable position of engineering firms in Bengal in relation to sources of coal and iron supplies should eventually enable us to do the same as many American Railways, and dispense with our own foundry altogether. Mechanical inspections we can easily arrange for and now that we have our own chemist we are or shall soon be in a position thoroughly to check all supplies

We now have specifications for practically all our regular purchases in India, and conditions of contract also have been introduced for local manufactures corresponding with those used by our Consulting Engineers at Home, modified only where necessary to fit Indian conditions

Partly as an experiment and partly to make good the outturn lost due to the strike, we are also arranging contracts with the Indian Standard Wagon Company and Jessops for the repair of a few hundred wagons

If successful, this measure will indicate another means of rendering ourselves rather *more independent of local labour* But at present it is an experiment.

A great deal has become possible since the war that we could not contemplate before the war, and the more outside firms become capable of dealing satisfactorily with manufactures for us the stronger will be our own position"

This, Sir, was a letter written about the 3rd of May. I have produced this simply to show what has been working in the minds of the men. The impression that they had was to the effect that whatever motive the Railway Board might have had their superior officers were gradually trying to eliminate local labour and to obtain the requirements of this particular railway from the manufacturing firms of Calcutta That, Sir, was the position about the beginning of this month So, when this question of retrenchment came, the men took the view that, if the workshops were conducted in the old way, no very large reductions would be required at all In fact, in one of their meetings that they held with the Chief Mechanical Engineer or some other important officer about the beginning of August they came to the conclusion that about 700 and odd men would be the maximum number that will be required to be dispensed with. But later when this went up to 2,000, and when in the matter of choosing the men to be sent out it was naturally left in the hands of the subordinate officers, there came the third trouble for the men I do not of course blame the Agent or the Mechanical Engineer who necessarily had to entrust this work to their subordinates But human nature being what it is, the subordinate officers picked out those men against whom they had personal grudges. That is the kind of action which exasperated the feeling of the workmen and which made them come to the conclusion that under the plea of retrenchment, a large number of men were sent out in a most unjust manner. Under the plea of trying to put the workshop at Kharagpur on the same working level as other workshops with respect to other railways, under that plea, the subordinate officers gave full vent to their personal grudges against individual workmen. I again repeat that I do not blame the Agent for this. When one of the men interviewed the Agent he categorically denied that there was any intention on his part to victimise the men. He also informed the men

[Mr. M. K. Acharya.]

that if it was proved to his satisfaction that his subordinate officers victimised the men, he would take necessary action against them But it must be remembered that it is very difficult to get such proofs Under those circumstances, the victimisation has gone on unchecked. That has aggravated the situation, and exasperated the feelings of the men.

The Union at first were willing to co-operate with the authorities in trying to get a large number of men voluntarily to resign, and with the willing co-operation of the Union about 700 have up to date been retrenched. That was the position some time last week, when this compulsory notice was served on the men. Then the men began to feel that retrenchment was only an opportunity for sending away a large number of men in the most unfair manner. They feel that they have been working for many years, for some of them have put in 10, 15 and 20 years of service, that they have really helped to build up the railway to its present level Having worked for such a long period, they feel that some consideration ought to have been shown to them They feel that they should not have been so summarily got rid of They have no objection to superannuated men being sent away, they have no objection to the men recently employed being sent away, they have no objection to the men engaged on day-to-day wages being sent away, or those who could not pull their required weight They have no objection to such men being retrenched But they feel that the retrenchment of the capable permanent men, of men who have put in long years of satisfactory service is quite unjust With this idea at the back of their minds, they feel that the present method of retrenchment was merely intended to give more and more work into the hands of the private contractors. They feel, and I hope, Sir, everybody in this House will sympathise with them, that this method of sacrificing the poor people for the benefit of the contractors is very cruel and unjust. They feel that the bread has been snatched from their mouths and put into the mouths of other people They have loyally and diligently served the company to the best of their ability for the past several years, and this is the reward they now get.

There is one more important point to which I should like to draw the attention of the House. Till recently the Bengal Nagpur Railway had a large amount of repairs very urgently required to be done and which were being delayed The Director of Foreign Wagon Interchange seems to have complained about it, and the Chief Mechanical Engineer in one of his notes has put this clearly down.

"There are 5,000 vehicles on the average per month running without due repairs, that is 20 per cent. of the authorised stock of wagons is without repair, a point very much commented on by the Director of Wagon Interchange and the Railway Board This is the railway of all first class railways which has topped the list in the matter of running stock without repairs Similarly coaching stock stands also on the same position when compared with other railways The capacity of the Kharagpur workshop is only 600 vehicles per month though Ardhra and Waltair shops are newly named as mechanical workshops and other important loco sheds on the lines were also made to function as shops in the matter of repairs The percentage of wagons running without repairs could not materially improve and in consequence huge recurring debit of Rs 5 per waggon per day is realised from the Bengal Nagpur Railway by the Director of Foreign Wagon Interchange".

Well, Sir, these admissions have made the men feel that there is plenty of work at Kharagpur workshops, if really the Bengal Nagpur Railway

aims at keeping itself abreast with the other Railways. There are 5,000 wagons every month to be repaired. The men have therefore come to the conclusion that there is plenty of work. The officers of the Railway on the other hand having got permission to effect large retrenchments are wantonly sending away these men without justifiable reasons. The men feel that the retrenchment is not carried on in the best interests of the Company, nor in the best interests of the public, and certainly of course in the very worst interests of the men themselves This, Sir, was the position last Wednesday which drove the men to down their tools I have received telegrams, which I do not think it is necessary for me to read to the House ; which telegrams show that meetings of 5,000 men and 10,000 men were held, and resolutions were passed to the effect that there was ample work and that somehow unfortunately the railway officers had taken it into their heads to push through this retrenchment under any circumstance, not heeding the best interests of the railway itself, Now the men are determined to stand by their unfortunate brethren who had been given compulsory notice That, Sir, is the position I repeat, I do not want to blame anybody for it , I do not want to blame the Railway Board.

Mr. President : The Honourable Member is mistaken if he thinks he does not blame the Railway Board The constitutional effect of his motion is a vote of censure on the Government

Mr. M K. Acharya : Thank you, Sir, while I am not anxious to blame the Railway Board. . .

Mr. President : If the Honourable Member does not wish to blame the Railway Board, he should ask for permission to withdraw his motion.

Mr. M. K. Acharya : On the other hand, I do not of course want to err on the side of being over-courteous Certainly the Railway Board should have insisted on getting fuller materials before sanctioning such huge reductions , and they should have examined the whole position more carefully, much more carefully than they have done in the present case. They should not have given a *carte blanche* to the railway officers to go on retrenching as they liked The result is that the Railway Board have got into this position Of course there is the final responsibility of the Railway Board in the matter I want to make a few suggestions on this matter as the situation is very serious

Mr. President : The Honourable Member has already exceeded his time limit.

Mr. M. K. Acharya : Very well, Sir I appeal to the House to insist that real efforts should be made to meet this serious situation. I have no doubt that leaders on the front benches will say very much more. I appeal to the Government to realise the seriousness of the situation, suspend further retrenchments and take steps to ameliorate the hardships of these poor workmen, and enable them to resume work immediately

Mr. N. M. Joshi (Nominated · Labour Interests) : Sir, my Honourable friend Mr. Acharya has narrated some of the main facts of the situation at Kharagpur. Sir, the workers at Kharagpur feel that the proposals for retrenchment which are being carried out at present have their origin in the last strike about which this House knows something.

[Mr. N. M. Joshi.]

They feel, Sir, that the authorities of the Bengal Nagpur Railway felt somewhat humiliated on account of the strike. They expected the strike not to become general They expected that the men would not show any strength, but they were disappointed and thought they were humiliated and defeated There is good ground for the workers to feel, that the proposals for retrenchment emanated from the Managing Director in London who was present during the last strike in India and who took that strike as a personal humiliation and a personal defeat. The men also feel, Sir, that this is an act of victimisation, and I feel, Sir, that they have some justification even for that feeling It will be admitted that one of the superior officers at Kharagpur, the Works Manager, issued instructions to the foreman that while making retrenchment or while suggesting names for retrenchment, he should see that the non-strikers were not retrenched at any cost If the men after knowing of these instructions, feel that the present proposals for retrenchment had their origin in the last strike and are an act of victimisation, I think the men are fully justified

Mr. A. A. L. Parsons (Financial Commissioner, Railways) Sir, those instructions were immediately withdrawn.

Mr. N. M. Joshi : I know, Sir, that the instructions were withdrawn after they were brought to the notice of the superior authorities, but the very fact that the instructions were issued by a responsible officer in the workshop, namely, the Workshop Manager to his foreman, was sufficient for the men to entertain the fear that the present proposals were an act of victimisation

Then, Sir, the second feeling in the minds of the workers in Kharagpur is that the present proposals for retrenchment are intended to do away with the labour troubles at Kharagpur or at least to reduce the labour troubles at Kharagpur by giving work to private contractors and by ordering out things from foreign countries Now, Sir, during the last few months the Bengal Nagpur Railway, when that Railway could repair any number of wagons, when that Railway could manufacture any number of articles themselves, gave an order for repairing 100 wagons to a private company If after knowing these things the workers at Kharagpur feel that these proposals for retrenchment are intended as an act of victimisation against them, I think, Sir, they have some justification

Now, Sir, the Bengal Nagpur Railway is a State Railway, and as that Railway is controlled by the Railway Board I think, it is the duty of the Railway Board to examine the policy of giving work to private contractors or getting articles made by foreign manufacturers when these articles could be made in the State workshops It is not a right policy that when the Legislative Assembly and even the Government have accepted the policy of protecting the industries of this country, they should, when they have got their own workshops, order out things from foreign countries and of the State management of Railways and, when they have got their own workshops and superior staff, should get their work done through private contractors Unfortunately the Railway Board has made this an item of their policy and not only on the Bengal Nagpur Railway but on other lines also I have seen this being done gradually on the Great Indian Peninsula Railway also. Under these circumstances if the

workers at Kharagpur feel that these proposals of retrenchment are also intended to benefit private contractors and foreign manufacturers, they have got sufficient justification.

It is said that the work is given to foreign manufacturers or to private contractors in the interests of economy. Sir, if the work is given to foreign manufacturers and private contractors in the interests of economy, it is necessary that the Railway Board and the railway authorities at Kharagpur or on the Bengal Nagpur Railway should convince the public that their policy is at least in the interests of economy. They have not done so. How is it possible that when superior officers are brought from England on very high salaries and they have been given the Lee concessions, and when the labour employed by private contractors and the State workshop is the same, how is it possible that private contractors can turn out articles cheaper than your own workshops turn out ? If there is a difference, then, the difference must be in the quality of the supervisors whom the Railway Board and the Bengal Nagpur Railway have appointed. I myself feel that the Railway Board have not yet made out any case that work given to private contractors is cheaper. Moreover, even if it is somewhat cheaper, I say, Sir, to give work to private contractors and to get work done by foreign manufacturers is against the policy which this House has approved of.

There is one more point which I would like to make and it is this If the Railway Board want to effect economy and if they want to reduce the men and to reduce the work done at Kharagpur, it is necessary that they should also reduce the number of supervising officers ; but on the contrary during the last 4 or 5 years they have increased the number of superior officers by about 30. Why is it then that the number of ordinary workers is to be reduced and the number of superior officers is being increased ?

Sir, I do not believe that the proposals for retrenchment are actuated by considerations of economy But even if these proposals are made upon considerations of economy I think, Sir, there are considerations which are superior to considerations of economy The Government as the trustee of the working classes in this country have a duty towards those classes. These men may have served the Bengal Nagpur Railway for several years, some of them for 3 years, some 5 years, some 10 years some 15 years and some even 20 years Have the employers no duty towards the employees ? Government, as the trustee of the people and as the authority which lays down proper standards for labour legislation and labour conditions, must recognise that they have a moral duty towards the employees who are serving under them. Sir, I feel that Government do not recognise their duty towards the workers at Kharagpur simply because these workers belong to the working classes They do not belong to the superior or the privileged classes I know, Sir, there is at least one Department of the Government of India which only last year Government found it was overstaffed It is clearly laid down in the report issued by the Department that it was overstaffed ; and still Government did not send away the men at once, though Government I understand are trying now to reduce the number gradually in the natural course of things My Honourable friend Sir, Bhupendra Nath Mitra knows which is this Department which was considered to be overstaffed last year. Why did not Government send away those men all

[Mr N. M. Joshi.]

at once ? Because those men were considered to belong to the privileged class and the workers at Kharagpur belong only to the working classes. I hope, Sir, the Government of India do not make this distinction between the privileged classes and the working classes Now, Sir, if the Government of India want to effect economy and want to reduce the number of men, I do not agree to the proposals for reduction at all, but even taking for granted that those proposals are necessary, Government should recognise their duty towards the men who have served them for some time and should see that no hardship is caused by those proposals It is quite possible that if Government had recognized this necessity for retrenchment last year during this one year they could have reduced at least 500 men in the natural course of things, as there are always vacancies occurring in these big workshops, and in the next year they could have retrenched another 500 men, and in a short time it would have been quite possible to reduce the full number. If they had adopted this policy of waiting and gradually reducing the number, it is quite possible that Government would have to spend about a lakh or two lakhs of rupees more But is it not due to the men who have served you so long that you should spend two lakhs of rupees so that they may not suffer the hardship which you are now asking them to suffer ?

Now, Sir, the Government proposals have been decided upon and notices have been given. The working classes who are very weak have only one remedy for protecting themselves, and that remedy is to stand by each other And it is to the credit of the workers at Kharagpur that they have stood by the people to whom notices were given I am proud of those people who refused to work because others were given notice. Sir, the men after all have their duty towards their comrades and they have done it. I want the Government to appreciate the spirit of those people who are making sacrifices for the sake of their comrades. I feel that it was wrong on the part of the management at Kharagpur to have made these proposals at all I feel that the manner in which they tried to enforce these proposals was worse still I hope Sir, that the Government of India will not stand still It is their duty towards the working classes at Kharagpur that they should not put any hardship upon these men They should not ask them to make sacrifices which they themselves would not make I want, Sir, the Members who are sitting on this side to consider what their position would be if the Government of India asked a large number of them to leave this country without what they call proportionate pensions. I want them to ask themselves whether they do not sympathise with the men who are being asked to leave their work, to leave their homes, without proper compensation If the Government of India are prepared to give some kind of proportionate pensions to all these men there may be some justification for asking them to leave I hope the Government of India will take the humane course of making the reduction, if they want to make a reduction, by not filling up vacancies for the next year or two It is wrong to retrench in the way they have done Moreover, Sir, the Bengal Nagpur Railway authorities as well as the Railway Board do not realize that if they had made economies in proper time this situation would not have arisen. It is their fault. They ought to have realized that it was wrong to reduce 2,000 men all at once. Are there any workers in the world who,

when one-fourth of their numbers are threatened with reduction, will not stand by those who are being sacrificed? It is the Railway authorities who have made the strike and not the workers. I would like any Member of this House to say that he would not in a like situation stand by the comrades with whom he has been working Whatever the workers at Kharagpur have done, they have done their duty by their comrades. This House, Sir, should feel sympathy with these men, and I think the Railway Board and the Government of India will appreciate the spirit in which the men at Kharagpur have acted I hope, Sir, this motion will be carried.

Mr. T. C. Goswami (Calcutta Suburbs . Non-Muhammadan Urban) . Sir, the confidence which the Trade Union Congress has very often reposed in me and my connection with the Labour Union at Kharagpur demand that I should add whatever little weight my words possess in support of the motion which has been moved by Mr Acharya. Sir, I was myself witness, during the last cold weather, to many of the conditions for which one Sir R T. Wynne, whom I once described in this Assembly as the octogenarian Dandolo of the Bengal Nagpur Railway, who had come to hibernate in this country, was responsible And I have reason to believe—and, Sir, I have been in close touch with the march of events in Kharagpur—that the state of things which we have to deplore in this House to-day is a continuation of those conditions which were the cause of the strike last cold weather.

Sir, you will forgive me if I feel great hesitation in proceeding further with my speech ; because, Mr President, having in the course of the day read the official, uncorrected report of Mr. Chaman Lall's speech of yesterday on another motion for adjournment, I feel I have not had sufficient time to determine the criteria of relevancy which, no doubt, underlay your successive rulings And, Sir, I assure this House that it is not that I have not, to quote your words, " nothing more to say '

Mr. President : Will the Honourable Member proceed with the merits of the motion ? Does he realize that he is making an insinuation against the rulings of the Chair ?

Mr. T C Goswami No, Sir, not at all

Diwan Chaman Lall (West Punjab Non-Muhammadan) . May I ask on a point of order whether an Honourable Member is not within his rights in making a remark of that nature ?

Mr President : The Honourable Member is not within his rights.

Diwan Chaman Lall : By what rule or regulation is the Honourable Member not within his rights.

Mr. President : Order, order Mr. Goswami

Mr. T. C. Goswami : Sir, I must say that I have been so unnerved by reading the report of the speech and your rulings that I feel it is extremely difficult to keep within the limits of relevancy which seemed to have been prescribed by you

Mr. President : The Honourable Member is perfectly entitled to call into question the rulings of the Chair by a substantive motion in that behalf, but he is not in order in challenging them in this manner.

Mr. T C. Goswami: Sir, I have absolutely no desire to call into question your rulings. Your rulings in this House are inexorable, though my religion forbids me to regard them as infallible. Therefore, Sir, the only thing I feel it safe for me to do is to paraphrase the Resolution which has been moved by my Honourable friend Mr. Acharya, namely, that there is a serious situation—there is a very serious situation, a large number of workmen are about to be thrown out of employment for no fault of their own. It is the prodigals who are making honest workers pay for their prodigality.

Mr. Varahagiri Venkata Jogiah (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) I rise, Sir, to support this motion. In doing so, I must say that there is a widespread feeling and a lurking suspicion in the minds of the public of Kharagpur and those of the workmen, that the discharges and notices of removal that have been served on the workmen are not actuated merely by considerations of economy but that they are due to other causes. It is said that the retrenchment is proposed as a means of victimisation of strikers, though it was agreed when the strike was concluded that no victimisation would be resorted to. This feeling of suspicion is not altogether without foundation. As you are aware, during the strike the Managing Director, Sir T R Wynne, was in this country. Naturally he was against the strike and wanted to stop it, but he could not do so Therefore, the conduct of the strikers enraged him very much, and it is stated that the present policy of retrenchment is dictated by the Managing Director more as a punishment to strikers than as a means of economy. It is also stated, and truly too, that if it were really a matter of economy, this would have been undertaken long before this trike commenced. As a matter of fact, not a word was ever mentioned about the retrenchment before the strike began, but only after it came off. There are other circumstances which strengthen this suspicion on the part of the railway authorities We are informed that the Managing Director writing to the Agent stated —and that too after the strike—that the administration would not be able to give good reasons for making large reductions in workshops and that the administration was not in a position to sack men with bad records. He therefore suggested to the Agent the giving of contracts to private firms for manufacturing anything that is necessary for the railway administration in order to reduce the workmen in the workshops, and the reason that he gave for this was that that was the only thing that would enable the administration to escape the charge of victimisation. When suggestions such as these came from the Managing Director, it is no wonder that the railway officials out-heroded Herod, and gave contracts not only for manufacturing ordinary things but even for carrying out small repairs. As this House has already been told, private firms have been entrusted with contracts for carrying out even minor repair works. All this shows that the retrenchment is adopted with a view to punish the strikers, and not as a matter of economy.

There are also other reasons, Sir, which strengthen this suspicion It is stated, and it has already been pointed out to this House by my friend Mr. Joshi, that one of the officers holding a high position in the workshop, Mr. Tyres, sent information to the foremen not to enforce the order of retrenchment against non-strikers. It is also stated that, while enforcing this order of retrenchment against strikers, about 300 new

hands were employed, and sanction was obtained to import from England officers drawing high salaries. Further, Sir, there was never any indication that such a large reduction would be made in the number of employees engaged in the workshops by the administration The only time we heard of it was, during the time of the strike Even then it was said that the number of workmen would be reduced to the extent of 10.000 in the workshops, and I understand that to restrict it to that number, the officers estimated that there would be a reduction of only 600 employees—500 from the Loco. Workshop, 150 from the Carriage Workshop and another 150 from the Wagon Workshop I do not know how this number of 600 was considered insufficient, and in the course of 15 days it was increased to 2,200. Even if this retrenchment is held to be unavoidable, I suggest that it should be done gradually in consultation with the members of the Indian Labour Union Every year some men necessarily go out for reasons of death, resignation or other causes. Their places may not be filled up and no fresh appointments made ; and inducements may be offered to those who retire early as the railway administration itself now proposed to do

Now, Sir, these methods, I submit, will go a long way to reduce the number of workmen gradually without causing much panic No doubt, some pecuniary loss will result to the Government, but regard being had to the fact that these men have been serving the railway administration for a long time and have been living with their families for years in Kharagpur, these pecuniary losses should not be regarded as very great. Unless this is done, it will be no wonder if the railway workmen sympathise with the sufferers and take to passive resistance, as some of them have already done, and this might lead to further troubles.

In the light of the information I have placed before the House, it is necessary, in the interests of the good name of the Bengal Nagpur Railway administration and the well-being of the railway employees, especially regard being had to the serious disputes between the employees and the employers, to appoint a Conciliatory Board consisting of representatives both from the railway administration and the Indian Labour Union in order to see how, in view of the proposed retrenchment, that the least injury would result to the employees This aspect which I place before the House was agreed to in another place, the House of Elders, a few months ago, in reply to a Resolution moved by a Member of that House regarding the grievances of railway workmen by the Honourable Member for Commerce. Sir, with these few remarks, I support the motion.

Lala Lajpat Rai (Jullundur Division Non-Muhammadan) Sir, I just want to say a few words. It is extremely unfortunate that retrenchment in this country should begin with the lowest paid Indians, and while I am not going into the general question for want of full information on the subject, I want to associate myself with every word of what my friend Mr Joshi has said I want to point out very respectfully to the Government that, after all, most of the civilized Governments have begun to recognise that it is a part of their duty to keep every one of their subjects alive, and to find either work for them or to insure them against unemployment. We know that at the present moment in England over a million people are getting the dole of unemployment. So, if we look at the question from that point of view, it will not be good economy

[Lala Lajpat Rai.]

to dismiss these people at once and throw them entirely out of employment and to the mercy of circumstances I therefore appeal in the interests of these workmen and in the interests of justice that the Government should do something to alleviate the sufferings of these people and not dismiss them at once I fully sympathise with the object of this motion, and I hope the House will carry it

The Honourable Sir George Rainy: Mr. President, I have listened with great interest to the speeches which have been delivered by the Honourable Members who have spoken in support of the motion for the adjournment. I think, however, that before I say anything in reply to these speeches, it might be convenient if I were to begin by stating the case from the point of view of the Government of India and the Railway Board The Agent of the Bengal Nagpur Railway last July when he was in Simla placed his proposal for the reduction of the staff of the Khargpur workshops by 2,000 men before the Railway Board Now, the reasons which were held to justify this reduction fall in the main under 4 heads In the first place, there is the question of economy which is always present to the mind of every railway administration, or at least it most certainly ought to be In the second place, during the war and since the end of the war, there has been a very considerable development in the railway workshops, as in other workshops, in the introduction of modern machinery which reduces the number of men who have to be employed to carry out a given amount of work When that machinery was first introduced in some of the railway workshops, the supervising staff did not clearly understand the extent to which it would enable them to reduce staff and consequently to reduce the cost of production. That was a matter, I think, which the Raven Committee drew attention to in their Report In the last two or three years, greater attention has been paid to that matter, and the result is that there has been a distinct reduction in the staff required in a workshop where the volume of work has remained about the same New methods have also been introduced in the execution of repairs in workshops and that also has had a similar effect Finally, during the 4 or 5 years after the war, the work to be done in the railway workshops was swollen by the working off of the war-time arrears of repair and maintenance work. Now these generally were the causes put forward in support of the reduction in establishment Now, the Railway Board had to examine this proposal not only in the light of what was put forward by the Agent but in the light of the information which they already possessed and their knowledge of the manner in which in an efficient railway workshop work ought to be carried out. The test which can be applied in such cases is a comparison between the results achieved in one railway workshop and the results achieved in other railway workshops The application of all the tests the Railway Board [illegible] establishment proposed [illegible] appeared to show that an [illegible] I should like to give a fe[illegible] Western Railway the locomotive shop has to look after 1,361 locomotives and employs 6.336 men. On the Bengal Nagpur Railway there are 729 locomotives and the number of men employed in the locomotive shops is 5,756. If the same number of men at Khargpur did the same amount of work as those in the North Western Railway workshop it would be necessary to reduce the

number of men employed to 3,353, which would be a reduction of over 2,400 men, whereas the actual reduction in the loco. shops, is only 750. I quite admit that these figures have to be applied with caution. You cannot argue strictly from one railway to another and say that you can expect exactly the same outturn on all railways. Possibly in northern India, with a more bracing climate, the individual worker may be able to turn out a greater amount of work, but still the discrepancy is so great that the only possible inference that can be drawn, I think, is that a reduction in the number of men employed in the shops at Kharagpur was urgently called for unless the work was to continue to be carried on in a thoroughly uneconomical way.

Mr. C. Duraiswamy Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Is this principle applied at the top also ?

The Honourable Sir George Rainy : I had intended to come to that presently, but I have no objection to replying to my Honourable friend at once. I have forgotten which of the earlier speakers—my friend Mr. Joshi I think it was—complained that, whereas there was reduction at the bottom, the supervising staff was being increased. My reply to that is that one of the points which the Raven Committee criticised unfavourably in the Indian railway workshops was the inadequacy of the supervising staff, and they expressed the opinion that greater attention ought to be given to that point of adequate supervision. That answers my friend's point. I could give figures similar to those I have already given for locomotives, for carriages and wagons also, but I do not think it is necessary to enter into much det [illegible] standard, the number [illegible] be about 7,000 in all, [illegible] actually making, the number will be 9,000 There are some other figures which illustrate the same point, but time does not permit that I should go deeply into them. The Railway Board definitely approved of the Agent's proposal, that was in July last, that the reduction of 2,000 men should actually be carried out. Then the Agent, after his consultation with the Railway Board, discussed the question also with the Government of Bengal, and thus, before he actually issued any notices to the men, he had been in consultation with both the authorities principally interested. His subsequent course of action was as follows. In the first place he offered inducements to the men to tender their resignations voluntarily by giving a bonus of a month's pay to the men who did so. After that, he proposed that the reduction of staff should be effected in the first place by reducing those who had reached the age of superannuation and then those who were approaching the age of superannuation, that is from the age of 50 to the age of 54, and it was not until these classes had been exhausted, and also until the voluntary resignations had been taken into account that he issued notices of compulsory reduction of establishment to make up the total number whom he had to get rid of. I might perhaps give the House the figures as nearly as we can get them. Since April the total number of resignations and of ordinary casualties amounts to 800, and the balance, about 1,300, is the number of notices of reduction issued and the latter figure includes some of those who were superannuated. The exact number we do not know, but in all probability it is between 200 and 300. Therefore, if these are excluded, the total number of men under compulsory reduction by

[Sir George Rainy.]

these notices is about 1,000 ; that is to say, it is probably not more than 1.100 and it is probably not less than 900.

I should like now, Mr. President, to deal with the point—it is a very important point—raised by my friend Mr. Joshi. His claim amounted to this, that when from any cause the amount of work to be done in any establishment controlled by Government had fallen off and the full staff were no longer required, it was not right to make sudden reductions and the proper course was to wait till vacancies fell in and let the whole operation take place gradually. Now, I quite recognise that in some cases that is a perfectly possible way of dealing with such a situation. But I am not for a moment prepared to admit that in all circumstances that way of dealing with the difficulty is the right way or the justifiable way or the way which Government should adopt. In a Department like the Railway Department cases must occur when, if the authorities responsible are to avoid a very great waste of public money, it is necessary to make a large reduction of establishment at one time. I can see no other alternative in certain circumstances, such as have occurred at Kharagpur, where the number of men employed is obviously a great deal too large for the work to be done, and it seems to me that in such circumstances it is not possible for the authorities responsible to refrain from making a comparatively large reduction in the establishment at one time. What I am prepared to say, however, is this, that Government do recognise the necessity in such cases of examining every possible alternative before agreeing to a large simultaneous discharge of staff in such cases. They will be prepared in any similar cases that arise in future to examine proposals placed before them from that point of view. But they are not prepared to give any undertaking that it will always be possible to avoid such large reductions ; and I would like to draw the attention of the House to one aspect of the position at Kharagpur and it is this, that if we were now to adopt Mr. Joshi's proposal, namely, to ask the Railway Company to withdraw the notices which they have issued and to let the reduction take place gradually as vacancies occur, it would not be only a question, as my Honourable friend seemed to think, of one year or 18 months before things righted themselves, because the figures in possession of the Railway Board rather indicate that further economies in the establishment are possible. The clock would be put back 4 or 5 years and for 4 or 5 years to come we should be steadily every year spending more money on the execution of particular classes of work done in this railway workshop than we are really justified in spending .

I should like to allude again to another remark of my Honourable friend Mr. Joshi, when he referred to reductions in establishment of a higher grade. Whether he had my own service in mind I do not know. But he used the sacred words " proportionate pension " and he asked whether the members of these higher services would think it fair that they should be sent away without proportionate pension. I am not going to say what my view as a member of the Government of India is, but my view some 7 or 8 years ago was very strongly that for the members of the Superior Services the pensionary system ought to be abolished and the provident fund system substituted, so that it would be in the power of the Government to send them away at any time they choose. That was my view then ; I do not say it is my view now. My Honourable

friend said that we should give something in the nature of a proportionate pension to these men if their discharge was absolutely necessary. But my Honourable friend has forgotten that of the 1,300 men to whom notices have been issued at Kharagpur 600 are subscribers to the provident fund, and as far as they are concerned it is not a question of the Railway Company suddenly sending them off and leaving them with no sort of means to keep themselves going until they can find work again, because some of them, it would appear, must be in a position to draw very substantial sums from the provident fund. Subscribers contribute one-twelfth of their pay every month and they get interest on that, and in case of a reduction of establishment all of them get a bonus which is an equal amount contributed by the Railway Company with interest on that. I thought it might be worth while to work out the figures of a workman who might be regarded as a typical subscriber to the fund. It is about 9 years now since the workshops staff became eligible to subscribe to the provident fund ; and therefore I took a man who had been subscribing for 9 years. I assumed that he rose from Rs. 22 a month at the beginning of the period to Rs. 40 a month at the end of it with annual increments of Rs 2 a month. I find that, if he subscribed regularly to the provident fund, he would at the end of 9 years have Rs. 671 to his credit, and if to that is added the gratuity of half a month's pay, which is given in such cases ordinarily on reduction of establishment it would amount to a grand total of Rs. 911. I do think it is important that the House should realise that the 600 men who are subscribers to the provident fund will not be thrown on the streets without any means of support, but will have fairly large sums to help them on their way. As regards the remainder, the men who are not subscribers to the provident fund, a good many of them must be labourers on daily wages, and the majority I should think would be men with less than 4 years' service with the Bengal Nagpur Railway, and therefore, as my Honourable friend Mr. Acharya pointed out, not liable to the same hardship as men who had put in 10 or 12 or 15 years' service.

I do not think, Mr. President, that I am justified in delaying the House much longer. The Government of India have given this matter very anxious consideration, and what they feel is that this is a case in which it is not possible to put pressure on the railway administration and to ask them to withdraw their notices of reduction They do feel, however, that if harmonious relations are to be re-established at Kharagpur between the railway administration and their workmen, the workmen must feel some sense of security and not be under constant apprehension that they may be exposed again to a similar risk of another big reduction of establishment in a few months' time That would clearly create a position of such difficulty, that even from the purely financial point of view it seems to me that the Railway would have nothing to gain by adopting a policy of that kind. Therefore, the Government of India will be prepared to communicate with the Railway Company and to point out to them that this large reduction of establishment having been effected, the Government of India consider that if it is found necessary, as it may be found necessary to reduce the staff still further, that should be done gradually and as far as possible on the occurrence of vacancies as they fall in. I do not believe myself that if that plan is adopted, the Railway has anything to lose.

[Sir George Rainy.]

Before I sit down I should like to refer to the correspondence which my friend Mr Acharya read I am quite sure that my Honourable friend, when he read that correspondence, did so under a full sense of public duty and in the belief that he was entitled to do it. But I would like to point out that Government have also their own point of view in that matter. Of the document that he read, the first, I understand, purports to be a letter from the Managing Director of the Bengal Nagpur Railway to the Agent of that Railway and it was communicated, as my Honourable friend said, to the Labour Union at Kharagpur by someone whom he described as a sympathetic officer I doubt if the word "sympathetic" would be an exhaustive description of an officer who considered it proper to make over these documents to persons for whom quite obviously they were not intended. That is not, however, my main point. My main point is that the Government of India and the Railway Board cannot take any action whatever on documents placed before them in that way It is clearly impossible and . . . .

Mr. A Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Are the facts disputed ?

The Honourable Sir George Rainy : I should like to say again that I am attributing nothing improper in any way to my Honourable friend Mr. Acharya who, if I may say so, has stated his case very fairly.

I ought to allude before I sit down to what was said about the giving out of work on contract. On the big point raised by Mr Joshi, I will leave him to argue it out with the Bengal Chamber of Commerce who take a somewhat different view on that question

Mr. N. M. Joshi : They are not the Government of India

The Honourable Sir George Rainy : And I shall hope that both parties will be so preoccupied with each other as to be unable to direct their artillery on me for the time being. But as regards this question of giving work on contract, I should like to point out this that, in so far as the work is given out on contract to Indian firms, there is no reduction of employment. It is merely a transfer from one place to another. I have no doubt, however, that if the Bengal Nagpur Railway Company accept the view that after this big reduction of staff has been effected it will be necessary to go slow and to let any further reduction that is necessary come on the occurrence of vacancies, they will obviously not desire to pay both the workmen in their workshops and the contracting firms for the same work. I think it may be taken for granted that they will postpone this question of giving out the work on contract until the staff has been brought down to the figure at which this can be done without loss of money. I do not think, Sir, I need add anything further. (Applause.)

Mr. B Das (Orissa Division : Non-Muhammadan) : Sir, we are passing through very hard times and this is not the time for the trial of strength between the Railways and the Labour Unions. Sir, the Bengal Nagpur Railway might be backed by the Railway Board, the military authorities, the Auxiliary Forces, the volunteer forces and also the Police and the Gurkha bayonets, but as I have said at the beginning we are passing through very hard times. Kharagpur is situated in an area where most

of the workers come from the flood-stricken area. The districts of Midnapur, Cuttack, Balasore and Chota Nagpur supply at least half the labour of the Kharagpur area. And to-day the Bengal Nagpur Railway, backed by the Railway Board, are throwing out of employment at least 2,000 workers employed at Kharagpur, and it is no consolation to us to be assured, as we are now assured by my Honourable friend Sir George Rainy that he will see his way to gradually reduce the workers when subsequent reductions will take place in the Bengal Nagpur Railway. My Honourable friend before he came to my own province Bihar and Orissa was a member of the Bengal Civil Service. So, he knew Kharagpur and the condition of the working classes in Bengal. And when he was in my province he also knew something about the condition of the working classes and the condition of unemployment that prevails there among the skilled labourers for whom work is not available in abundance. So, I was sorry to listen to the speech of my Honourable friend which was rather unsympathetic. His sympathy went to the future reduction and nothing was promised on the present unemployment problem and the injustice that is going to be perpetrated to-day. Sir, the Honourable Sir George Rainy told us than 600 members of these 2,000 workers that are going to be reduced will get something like Rs. 900 as provident fund compensation when they are forcibly kept out from the Kharagpur workshops My friend, Sir George Rainy, has very admirably worked out the details in the Tariff Board Reports but I do not know whether he has ever studied the economic condition and economic indebtedness of the people. Sir, the economic struggle among the working classes of India, thanks to my Honourable friend Sir Basil Blackett for his policy of exchange—the ratio policy—is becoming more acute day by day Sir, I deplore the incident that took place at Bombay where 30 or 40 Indian working class women got so enraged and exasperated that they mobbed their employer and I believe that employer is now dead If that employer is dead, I deplore it.

I deplore that we have come to such a pitiable condition in this country that the working class Indian women, who are usually so meek and timid, have become so distressed and exasperated because their children are going to starve and they will find no employment to feed them that they resorted to mob their employer. If that was the result when 50 women were put in the unemployment list, what will be the condition in the Bengal Nagpur Railway workshop where more than 2,000 men are to be sent out ? The Bengal Nagpur Railway is situated in that part of the country which is known for its distress caused by famine and flood. I do not want to contest the accuracy of the statement of the Honourable the Commerce Member about the employment capacity of the Bengal Nagpur Railway locomotive workshop If reduction is to be made, I say that that reduction should be made with sympathy and in a conciliatory spirit. If only the authorities had been sympathetic, I do not think my Honourable friend Mr Parsons would be sitting here on the Treasury Benches ! He would have run up to Kharagpur to watch the situation personally. I would not find the Chief Commissioner of Railways here in Simla but I would expect him at the workshop at Kharagpur. I would also expect the Honourable the Commerce Member to run up to Kharagpur after the Assembly adjourns so that he can study the situation on the spot It is no use saying we cannot pay these men, and so we reduce the staff. What about the economic distress caused thereby ? What about the untold distress caused to those who are dependent on them ? I do not also agree

[Mr. B. Das.]

with the point raised by the Honourable the Commerce Member that the reduction was caused by the introduction of power machinery. I think that power machinery was introduced in the Bengal Nagpur Railway workshop as well as in the workshops of other railways for a long time past. I remember when I was an engineer student I visited these workshops in 1911. I do not think they have got any further improvement in power machinery. There is a great deal in what my Honourable friend Mr. Jogiah said that the Bengal Nagpur Railway has tried to victimise the men owing to the strike that took place there a few months ago. I think the Government ought to set themselves in earnest to settle this problem and they should not allow it to be light heartedly put aside by the railway authorities. I think ways and means should be devised to solve this difficulty. As was suggested by Mr. Jogiah, the Honourable the Commerce Member may call in the aid of Honourable Members like Mr. Joshi and a few other gentlemen to form a conciliatory Board which might meet at Kharagpur and listen to the complaints of the workmen there and solve the present distress of the men.

My Honourable friend referred to the Report of the Raven Committee which brought to light a lot of mismanagement in the workshops, in the matter of management, slackness in manufacture of appliances, accumulation of stores, etc. The committee found that there was no proper costing and accounting and they suggested several improvements in every department of workshop administration. We have been told that the Government are still considering those recommendations. But nothing has come out of the Report of that Committee so far. My Honourable friend Mr. Aney just now reminds me that the Raven Committee did not go into the workshop question at Kharagpur because the Bengal Nagpur Railway is a Company-managed Railway. That Committee did not report about the reduction of the staff at Kharagpur as the case was not referred to it. It only went into the case of State-managed Railways. Therefore, there is no reason why the Bengal Nagpur Railway should take in hand the question of retrenchment My submission is that it was merely to victimise these poor workmen that they took up the question of retrenchment That would lead us to concede those observations of my friend Mr. Jogiah that the workmen are sacrificed because they joined the strike last February and this House will be no party to any such policy of victimisation

The motto should be "No victimisation."

Diwan Chaman Lall : Sir, I think the issue ought to be narrowed down to the point as to whether in this motion for adjournment it is to be brought home to the Railway Board that they have been allowing the Bengal Nagpur Railway to pursue a policy which is meant for the purpose of victimisation of their workmen. The merits of this particular case can be resolved by a reference to the statements that have been made by the authorities of the Bengal Nagpur Railway themselves. I heard the Honourable the Commerce Member say that it was only last month that the Bengal Nagpur Railway people came up to Simla and brought up the matter of this reduction.

The Honourable Sir George Rainy : July, Sir.

Diwan Chaman Lall : That is still better for my purpose. They came up in July. I want the Honourable Member to refer to the letter, which I dare say is in his file, which will show him that even as far back as 7th January 1927, a circular was issued, a demi-official note was issued, in which it was stated that steps should be taken to reduce these men and that no impression should be given to these men that they were being victimised. That is to say the reduction must take place in such a broad manner that there must be no impression given to them that they were being victimised. This was a note issued as far back as 7th January 1927.

Mr. A. A. L. Parsons : What document ?

Diwan Chaman Lall : I am sure my Honourable friend knows exactly what the document I am referring to is.

Mr. A. A. L. Parsons : The Honourable Member suggested that it was on the file of the Honourable the Railway Member or on my file; I must therefore enquire what that document is.

Diwan Chaman Lall : If the Honourable Member wants me to tell him what the particular document is, it is a demi-official note from Sir T. R. Wynne.

Mr. A. A. L. Parsons : Then, I must at once say that that letter has never been received by the Railway Board, nor is there any such letter in the file of the Railway Board.

Diwan Chaman Lall : Will the Honourable Member take it from me that there was such a letter issued I am pointing out the intention that was at the back of the mind of the people in charge of the retrenchment scheme. Their intention was that they wanted to reduce these men and they did not want that the impression should go abroad that these men were being victimised. If the Honourable Member would kindly refer to this document he will discover that that was the intention namely that measures should be adopted to reduce the staff in order that the railways *should be " independent " of the workers. There is a sentence in one of* these letters which runs as follows :

" If successful, this success will indicate another means of rendering ourselves rather more independent of local labour But at present it is merely as an experiment "

The intention was there . namely these people had gone on strike The Railway *wanted to become independent of these men. They wanted to get* rid of these men and the Railway wanted to give the impression that these people were not being victimised on account of the strike

Mr. A A. L. Parsons : The only point I wish to make clear is that the document from which the Honourable Member is quoting has not been before us , it is not in the possession of the Railway Board.

Diwan Chaman Lall : I do not care.

Mr President : Is the Honourable Member prepared to lay the document on the table for the information of the House ?

Diwan Chaman Lall With pleasure. I shall lay it on the table of the House, if the Honourable Member so desires.

The next point that I want to make is that the very fact of the existence of this document shows that the Railway Board must know......

The Honourable Sir Basil Blackett (Finance Member): May I know your ruling Sir, whether it is not desirable to lay on the table all such documents before they are referred to.

Mr. President: The question does not arise because the Honourable Member, Diwan Chaman Lall, has agreed to lay the document on the table.

The Honourable Sir Basil Blackett: I am referring also to the document which Mr. Acharya referred to and which was not laid on the table.

Mr. President: It is too late now.

Diwan Chaman Lall: If the Railway Board does not know about this incident, I say that the Railway Board have been deceived and that they have not made proper investigations of the facts in connection with the retrenchment. That is my charge against the authorities of the Bengal Nagpur Railway. Let me refer to another document.

Mr President: The Honourable Member might pass on the two documents to the table.

Diwan Chaman Lall: I will,* Sir. But may I use them for a minute, with your permission, before I lay them on the table? I now refer to another document which also I shall lay on the table. It bears the number 8690D and is dated 17th August 1927. In this the proposals in regard to these reductions have been detailed, and what are these reductions? The total number of men to be reduced according to these detailed instructions comes up to 608 only. Subsequently, because they found that by placing contracts with private firms they could reduce more men and thereby, as they themselves, said, become independent of local labour, they desired to reduce further the number of men.

The Honourable Sir George Rainy: Would the Honourable Member just mention again what this document is. I did not gather its nature or from whom it emanated.

Diwan Chaman Lall: May I be permitted to read out to the first portion?

"As per the Meeting held on 1st March 1927, the proportion for the reduction of staff was, etc. *Signed* M. H. O. 17th August 1927."

It is one of your official documents of the Bengal Nagpur Railway; and I say this document proves that their intention was that only 608 people should be reduced and no more, but nevertheless they went beyond that and reduced, as Sir George Rainy said, over 2,000 men. At present what we are concerned with is not only that it was the intention to reduce these men because of the strike, not only was action taken to reduce these men because they wanted to become independent of local labour, but that they found means of doing so by placing work with private firms somewhere else. That is the method adopted. Although it has been stated that it is cheaper to get work done by outside firms, I would very much like it proved to me how it is really a business proposition for the workshops to place work on contract with private firms. If this is the policy which is being pursued by the Bengal Nagpur Railway for victimising men I could understand it, but if it is a policy which is being pursued as a business policy, I assure you I am not in a position to understand it. Now, bearing this position in mind, that this is being done with a definite object, I would request the Honourable Member in

* *Vide* Appendix "A" to these proceedings.

charge to take note of the fact that there are only 946 men who are at the present moment involved in regard to these reductions. Why cannot some method be found by means of an enquiry, a joint enquiry by the Railway authorities and the union people or some such means, so that these men should be kept on in employment until such time as their services can be gradually got rid of or the services of others got rid of in whose places they can be put. I see no reason why such a scheme could not be adopted by the Honourable Member in charge. If it cannot, it is because, as I suspect, the Honourable Member has not the full particulars in regard to this matter from the Bengal Nagpur Railway authorities. If it could be done it would not be a very heavy burden upon the Railway. It would cost at the outside, even if these men were kept on for a year, about a lakh of rupees. The other day we passed a grant of Rs. 75,000 for 35 women clerks in the Y. W. C. A. I was a party to the passing of that myself, and I say that it was a good thing to have done. Women workers must be housed and well housed. But here are not 35 clerks but a thousand men—nay, a thousand families that are involved; and surely it would be only right and just to ask of the Honourable Member to do the right thing by these people and keep them on in employment until such time as he finds means to employ them in some other way.

(Several Honourable Members moved that the question be put.)

Mr. President: The question is that the question be put. Does the Honourable Pandit wish to speak?

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): I wish to speak only for a few minutes, Sir, if you will permit me.

Mr. President: We must finish this debate before six

Pandit Madan Mohan Malaviya: I shall take only a few minutes, Sir. I wish to draw the attention of the Honourable Member for Commerce to just a few facts. When the Government permits a Railway Company to establish and run a railway, it incurs certain obligations, and one of these obligations is to protect the people employed by the Company The Honourable the Commerce Member has not controverted the fact that the Company is giving out some work to foreign manufacturers and that the Company is getting a great deal of repairs done by private contract. I submit, Sir, this fact not being controverted, there is an obligation *on the Company not to dismiss men who have been in its* service for so many years when there is work to be done. It is not a case of their services being no longer needed As I understand, the Honourable Sir George Rainy has not answered the point raised by my Honourable friend Mr. Acharya, that 5,000 wagons need repairs every month and the maximum capacity at Kharagpur at present with all the establishment that there was before the reduction in question is for the repair of only 600 per month I submit if there is work to be done it is certainly cruel that these men should be sent away and work done by outside agency, and I submit it is eminently a case in which the Railway Board might appoint a Committee of Arbitration on which the men who have been given notice should be represented either by Members of this Assembly or by some other agency, to go into the facts and to place them before the Government of India in order that justice may be done. At present the feeling is that the reduction has not been carried out merely

[Pandit Madan Mohan Malaviya.]

in the interests of efficiency but that there is something else at the bottom of it, and that sense of injustice should be remedied.

Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadan Rural) : Sir, may I just put one question to the Honourable the Commerce Member ? He referred to the Raven Committee. May I ask him whether it is not stated on page 76 of their report that all the *elements of cost*..... have necessarily a tendency to be lower in a railway workshop than in a private workshop ? "

Mr. President : The question is that the question be now put.

The motion was adopted

Mr. M. K. Acharya : Sir, I do not at this late hour want to make any lengthy speech; and indeed I believe it is quite unnecessary, because I am sure that the Members of the House will realise the gravity of the situation and act in a befitting manner and that, placing their hands on their hearts, and realising that one thousand poor men and their families are going to be turned out into the streets, they will give such a verdict as will be a proof of their sympathy for the working classes.

The Honourable Sir George Rainy : Sir, I do not think it is necessary for me to say more than a very few sentences but I would like to say one thing which I ought to have mentioned when I spoke before, and that is, to disclaim in the most absolute manner, on behalf of the Government of India, the Railway Board and the Agent of the Bengal Nagpur Railway, any policy of victimisation. It is right that I should do so distinctly. Whatever indiscretion subordinate officers may have been guilty of, I am prepared to answer for the Agent as well as for the Railway Board and the Government of India that everything possible will be done to discountenance any policy of that kind. I think it was necessary that I should say so much

Mr. President : The question is :

"That the House do now adjourn."

The Assembly divided :

AYES—44

Abdul Matin Chaudhury, Maulvi.
Acharya, Mr. M. K
Aiyangar, Mr. C. Duraiswamy.
Aney, Mr M. S.
Ayyangar, Mr. M. S. Sesha.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Chaman Lall, Diwan
Chunder, Mr. Nirmal Chunder.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr Amar Nath.
Dutta, Mr. Srish Chandra.
Goswami, Mr. T. C.
Haji, Mr Sarabhai Nemchand.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M R.
Jogiah, Mr. Varahagiri Venkata.
Joshi, Mr. N. M.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr Dhirendra Kanta.
Lajpat Rai, Lala.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M
Mitra, Mr. Satyendra Chandra
Moonje, Dr. B. S
Mukhtar Singh, Mr.
Naidu, Mr. B. P.
Neogy, Mr K C.
Prakasam, Mr T.
Purshotamdas Thakurdas, Sir
Rajah, Rao Bahadur M C
Rajan Baksh Shah, Khan Bahadur Makhdum Syed.
Ruthnaswamy, Mr. M.
Sarda, Rai Sahib Harbilas.
Shervani, Mr. T. A. K.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Narayan Prasad.
Sinha, Kumar Ganganand.
Sinha, Mr. R. P
Sinha, Mr. Siddheswar.

NOES—38.

Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmad, Khan Bahadur Nasir-ud-din.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.
Ayangar, Mr. V. K. Aravamudha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Bajpai, Mr G. S.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys
Coatman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Crofton, Mr. R. M.
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr J. M.
Gidney, Lieut.-Colonel H. A. J.
Haigh, Mr. P. B.
Irving, Mr Miles.
Jowahir Singh, Sardar Bahadur Sardar.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Kirk, Mr. R. T. F.
Mitra, The Honourable Sir Bhupendra Nath.
Moore, Mr. Arthur.
Mukherjee, Mr. S. C.
Parsons, Mr A. A. L.
Rainy, The Honourable Sir George.
Sams, Mr. H. A.
Singh, Rai Bahadur S. N.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Wright, Mr. W. T. M.
Yamin Khan, Mr Muhammad.
Young, Mr G. M.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 15th September, 1927.

APPENDIX A*.

No.

Kharagpur, 3rd May 1927.

Dear Carroll,

Re *Sir Trev's note on workshops.*

We do not appear to get the Railway Board's Weekly summary in this office. If possible I should like to see the one for the week ending 26th February 1927.

2 As regards the possibility of getting work done outside—

Sir Trev states the present position exactly It has entirely changed since the war We now have one large (and quite first class) engineering shop—Angus—almost at our doors and doubtless others will develop.

3 We are already arranging contracts for the manufacture of a substantial quantity of Loco. spares, iron and brass castings and forgings and loco cylinders complete—which we can now buy cheaper than and fully as good as those we make ourselves. We shall probably cast as more cylinders here, and this I hope is the beginning of the end of the foundry

4. The very favourable position of engineering firms in Bengal in relation to sources of coal and iron supplies should eventually enable us to do the same as many American Railways and dispense with our own foundry altogether. Mechanical inspections we can easily arrange for and now that we have our own chemist we are or shall soon be in a position thoroughly to check all supplies.

5. We now have specifications for practically all our regular purchases in India, and conditions of contract also have been introduced for local manufactures corresponding with those used by our Consulting Engineers at Home, modified only where necessary to fit Indian conditions.

6. Partly as an experiment and partly to make good the out-turn lost due to the strike, we are also arranging contracts with the Indian Standard Wagon Co. and Jessops for the repair of a few hundred wagons

7. If successful this measure will indicate another means of rendering ourselves rather more independent of local labour But at present it is merely an experiment.

8. A great deal has become possible since the war that we could not contemplate before the war, and the more outside firms become capable of dealing satisfactorily with manufactures for us the stronger will be our own position We shall have to keep them strictly upto specification and inspection is being fully provided for.

Yours sincerely,

(Sd.) H L. COLE.

C. CARROLL, Esq,

Agent, B. N. Ry, Calcutta

WORKSHOPS

The Railway Board's Weekly Summary for the week ending 26th February 1927 gives a very useful lead for reducing the number of men employed in the shops but for us to be able to do so we must give some good reasons as we are not in a position at the moment to sack men with bad records in time keeping and efficiency. If we do so at the present time we should be said to be "victimising" the men.

The work done in shops divided itself into two heads :—

(a) Repair work

(b) Manufacturing work.

---

* *Vide* page 4396 of these proceedings.

The workshops must do repair work and because in the early days of Indian Railways there were no private workshops in India capable of doing manufacturing work railways had to embark on this work themselves. Times have changed and there are many private workshops in India that can turn out good work.

The line I thi[illegible]
out on contract to
in our workshops.
having to spend a
men if we can make a substantial reduction in the numbers

(Extract from a D. O. from Sir T. R W. to Agent).

(Sd.) H. L. COLE.

7th January 1927.

T. R. WYNNE.

7th January 1927.

No 8690, dated 17th August 1927.

As per the Meeting held on 1st March 1927, the proportion for the reduction of staff was—

Loco. Shops	365	729
Carr. Shops	182	
Wagon Shops	182	

These numbers were based on the establishment on 31st January 1927 when the—

Loco. Shops had a total of	5,677
Carriage Shops had a total of	2,949
Wagon Shops had a total of	2,104
TOTAL	10,730

The figures on 31st January 1927 were—

Loco. Shops	5,509
Carr. Shops	2,873
Wagon Shops	2,225
TOTAL	10,607

showing a difference of—

For Loco Shops	—168
For Carr. Sh.	—76
For Wagon Shops	—121

In connection with the Wagon Shops, it should be noted that additional smiths hearths have been put into the Shops and certain additional machines. Each hearth and each machine has to be manned. It is said however that in the Wagon Shops certain machines are double manned as a result of the strike.

In addition to the men for Smiths hearths and machines a special sanction for number of coolies was given for handling material in the Wagon Shops.

LEGISLATIVE ASSEMBLY.

Thursday, 15th September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

Mr. President : A short notice question has been sent by Mr. M. K. Acharya which the President has admitted and the Department has agreed to answer. The Honourable Member does not seem to be in the House to put the question.

Mr. A. Rangaswamy Iyengar : May I put that question, Sir, as it is an important question ?

Mr. President : The Honourable Member who gave notice of the question ought to be here.

Mr. A. Rangaswamy Iyengar : It is an important question, Sir.

THE SOCIETIES REGISTRATION (AMENDMENT) BILL.

Mr. N. C. Kelkar (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to move the motion that stands in my name, namely, that the amendments made by the Council of State in the Bill further to amend the Societies Registration Act, 1860, for certain purposes, be taken into consideration.

Sir, the matter of this Bill is a very simple and small one, and I think I can explain it in a couple of minutes almost. This House will remember that it was pleased in February last to pass and sanction a Bill which I had introduced for the purpose of amending the Societies Registration Act for certain purposes. The point was about section 20 of that Act which defined certain objects of registration, but I found that the drafting of the section was defective or that rather it was not sufficiently enumerative, and I proposed that two additions to the objects mentioned in that section should be made. One was the addition of the words " political society ", and in order to carry this matter further and to put the matter beyond all doubt in regard to societies which had also a similar purpose, I had proposed to insert the words " any object of public utility " in section 20 of the Act. I had concentrated, however, on the words " political education " which I insisted must be included in section 20 in order that political societies should be allowed to register themselves and get all the benefits that emanate from incorporation. As I have said, this House was pleased to accept the Bill, and I need not refer to the debate which took place on that occasion. I would, however, briefly mention one or two points in order to give this House an idea as to what was the subject matter of the debate. On behalf of the Government the then Home Member tried to induce me and also to persuade the House to believe that my object could really be achieved under the Indian Companies Act. There was some debate on that point. I did not myself

[Mr. N. C. Kelkar.]

regard the point as debatable, and I think I succeeded in convincing him that it was not right to force political societies or bodies to register themselves under the Companies Act. I contended that a political society was not necessarily a company, because the objects of a political society were entirely different from those of a company. At the end of the debate, the Honourable the Home Member did not entirely give up his point, but I must acknowledge that he did not carry his objection too far. Ultimately he said this :

"I will not oppose the consideration at this stage, but if I am advised by competent legal authority at a further stage that registration can and ought to be effected under the Companies Act, I may take action in another place".

Eventually, however, I find that his legal advisers did not advise him accordingly, and therefore Government in the other place did not press that objection.

There was one small objection taken by my friend Mr. Srinivasa Aiyangar at the time, and the reply given to him by Sir Alexander Muddiman was this :

"I have only one observation to make, and that is, that my Honourable friend, the late Advocate General of Madras, tells us that he is against political societies being given corporate existence. I would ask him with the authority of his great experience of law to tell the House how they can hold property if they are not incoporated".

That shows, Sir, that the Honourable the Home Member accepted my position that it was impossible for political societies to hold property and function according to their objects unless they were registered. In that state of things the Bill was passed. The Government did put up some opposition to it, but it was not pressed, and the Bill as originally introduced by me passed through.

Then it was taken to the other House, and there they made small drafting amendments. They dropped one of the words or expressions which I had suggested but accepted the one upon which I had insisted. As I have just said, I had insisted on the words "political education" being included in section 20. That position of mine was conceded by the House and by the Government as well. This is what the Honourable Mr. Haig said in the other place with regard to his amendment :

"The second point seeks to confine the amendment of this Act to the particular object which the Mover of the Bill had in mind. I understand, Sir, that in regard to this particular class of societies there is a sentimental feeling that they would prefer to be called 'society' rather than 'company', and in deference to that sentiment the Government of India have decided for their part to accept the amendment which will enable these societies to register themselves under the Societies Registration Act."

The words which were not recommended to be taken up were the words which also I had suggested, namely, "any other purpose of public utility". I suppose it was regarded that those words were too wide, and one specific reason which was given by the Honourable Member in the other House was that the object of those words was fully served by somewhat similar words in the Indian Companies Act. Lastly, a small drafting amendment was made, and that was, the words "political education", which were accepted and introduced into the body of the Bill, were transferred to the Preamble of the Act which, I think, was

necessary. These were the only three changes that were made in the other House. Therefore, I find, after all, that I have really no room to complain with regard to the Bill as accepted and amended by the other House. My chief purpose has been served, namely, that the words "political education" have been introduced into the body of section 20 which gives practically all that I want. The drafting amendment is quite necessary and reasonable, and with regard to the third thing, I have no quarrel. Therefore, the Bill comes back in that amended form, and I entirely accept it. I therefore move, Sir, that the amendments made by the Council of State be taken into consideration.

Mr. President : The question is :

"That the amendments made by the Council of State in the Bill further to amend the Societies Registration Act, 1860, for certain purposes, be taken into consideration."

The motion was adopted.

Mr. President : The question is :

"That this House do agree to the following amendments made by the Council of State in the Bill further to amend the Societies Registration Act, 1860, for certain purposes, namely :

In clause 2 .

(1) before the words 'In section 20' the words 'In the Preamble to and' be inserted ; and

(2) the letter and brackets '(a)', the word 'and', and the whole of sub-clause (b) be omitted"

The motion was adopted.

THE HINDU CHILD MARRIAGE BILL.

Rai Sahib Harbilas Sarda (Ajmer-Merwara General) Sir, I rise to move that the Bill to regulate marriages of children amongst the Hindus be taken into consideration

The primary object of the Bill is to put a stop to child widowhood. No country in the world except this unhappy land presents the sorry spectacle of having in its population child widows who according to the customs of the country cannot remarry. Enforced widowhood is a feature peculiar to Hindu society, and when we consider that some of the victims of this pernicious—I had almost said inhuman—custom were babies 8 or 10 months old, Honourable Members will realise how urgent and imperative is the call for legislation in the matter.

Sir, the Bill before the house does not attempt to lay down the ages at which boys and girls should marry For Hindus that was done by their law-giver, Manu, who laid down that a girl may marry 3 years after she attains puberty ; and Dhanwantri, the great Hindu authority on the subject, says that ordinarily girls attained puberty in India at 16. Social and domestic environment of the present day, and other things have perhaps slightly lowered the age of puberty in India. Yet, according to Manu, who allows marriage 3 years after puberty, even at the present day the marriageable age of a girl cannot be below 16 years

Sir, as it stands, my Bill does not go against the spirit or the letter of any religious behest, for no Sastras, ancient or modern, enjoin that a girl must be married before she attains puberty. And it is an admitted

[Rai Sahib Harbilas Sarda.]

fact that girls do not attain puberty before they are 12 years old Thus, while it does not come into conflict with any Sastras, the Bill removes what is probably the most oppressive burden under which Hindu womanhood is groaning. The Bill is a very modest attempt to recognise that female children even amongst Hindus have certain inalienable rights and that the State with any pretensions to civilisation will deem it its duty to protect them, without heeding the vagaries that masquerade in the guise of social customs.

Sir, a reference to the last Census Report will show how important the matter of the Bill is. That Report says that there were in India in 1921, 612 Hindu widows who were babies not even 12 months old, 498 between 1 and 2 years, 1,280 between 2 and 3, 2,863 between 3 and 4, and 6,758 who were between 4 and 5 years of age, making a total of 12,016 widows under 5 years of age. The number of Hindu widows between 5 and 10 years of age was 85,580 and those between 10 and 15, 2,33,533 The total number of widows under 10 was 97,596, and under 15 was 3,31,793. These numbers include Jain and Arya widows, for Jains and Aryas have been separately classed probably for political purposes ; otherwise they are all Hindus and are governed by the same marriage laws. And if we include Brahmos and Sikhs, who are as much Hindus as the so-called Hindus, the total number of Hindu widows under 15 was 3,32,472 in 1921.

The gravity of the question will however be realised when we remember that out of every 1,000 Hindu married women 14 are under 5 years of age, 111 below 10, and 437 under 15 years of age. This means that a little over 11 per cent. of the Hindu women are supposed to lead a married life when they are below 10 years of age, *i.e.*, they are mere children, and that nearly 44 per cent. of them lead married lives when they are less than 15 years of age, *i.e.*, when they are not yet out of their teens and before they have attained true and full puberty and are physically utterly unfit to bear the strain of marital relations.

Sir, the secondary aim of the Bill is to remove the principal impediment to the physical and mental growth of the youth of both sexes and the chief cause of their premature decay and death. The measure I propose will help to remove the causes which lead to heavy mortality amongst Hindu married girls The very high percentage of deaths among them is due to the fact that they are quite immature and are utterly unfit to begin married life when they actually do so. Speaking of the strain imposed on girls by married relations, Dr. Lancaster in his book " Tuberculosis in India ", page 47, says :

" People forget the fearful strain upon the constitution of a delicate girl of 14 years or even less, which results from the thoughtless incontinence of the newly married boy, or still more, the pitiless incontinence of the remarried man Serious as these causes of strain are upon the health of the young married girl, they sink into insignificance in comparison with the stress of maternity which follows. It is a truism to say that the process connected with reproduction which, from one point of view, may be regarded as the most important of human functions, should be allowed to take place under the most favourable conditions possible Surely it would seem to be of fundamental importance that these processes should be delayed until the body as a whole shall have attained their full development and be prepared for this great crisis. For in no other crisis of life does the ultimate result depend so much upon the physical condition of the body."

And he pleads :

> "Let even so much as two years be conceded, and in place of 18 years which may be reckoned as the lower limiting age in ordinary cases of marriage in the west, let 16 years be the age which popular opinion shall regard as the normal one for marriage in this country. The result will be an incalculable gain in the health of the women of India as also in that of the children whom they bear "

Sir, this is the opinion of an authority on the subject. My Bill falls far short of this aim : it is only a step towards this desideratum.

Leaving aside this—and I confess that I regard this as the most important aspect of the question—I think the Bill deserves the support even of those to who nothing matters but the political emancipation of the country.

Sir, progress is unity, and if we are to make any advance, and the country is to come into line with, or nearly into line with the progressive countries of the West or to be completely free from their domination, a programme of social reform of a thorough going character, of which the abolition of child marriage will be a principal item, must be taken in hand along with the pursuit of political reform Much of this social reform is no doubt the domestic or private concern of the people of the country and does not call for legislation. I believe, Sir, that just as the *veil, with all that it connotes, has disappeared in the greater part of* Turkey and is fast disappearing from the rest of it, so must the pardah, the Chouka, child marriage, enforced widowhood, the ban on inter-din- [illegible] esent rigid and ossified form, and [illegible] we are to be in a position to hold [illegible] interests, the clash of colour, and the struggle for life that is raging furiously in the world For we, must remember, Sir, that even political emancipation, freedom or Swaraj, by whatever name you call that one fact, droppeth not like sweet manna from heavens. It has to be won It has to be wrested from unwilling hands, and so long as these evils exist in this country, we will neither have the strength of arm nor the strength of character to win freedom Once these evils are gone, a spirit will arise in the land which no power on earth will be able to quench, a strength of arm to fight for freedom will be developed, which the might of the mightiest will not be able to resist. I am sure, Sir, that as the day follows the night, so will these evils disappear, and disappear soon But there are certain matters of a serious nature in which considerations of humanity and the inalienable rights of a human being—and that human being, the innocent and helpless child—call for the immediate intervention of the Legislature. The present Bill, Sir, concerns one of those matters. In order to protect the inalienable rights of the innocent children and to concede to them the right to live—the life nature gives them—it is necessary that infant and child marriages must come to an end at once and that boys and girls grow up unfettered by marital ties and unburdened with family cares which have not only immensely accelerated the death rate amongst the young married people, especially girls, but have dangerously lowered the vitality of the race, stunted their growth, and barred their way to prosperity and happiness.

Sir, I will say one word more as to the utility of the measure I propose for enactment. The Bill, if passed, will give a real and effective protection to girls, which the Age of Consent Act does not do. That law

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is a sort of flank attack on the social and physical evil, I might say the crime, of child carriage. The law of the age of consent, so far as marital relations are concerned, is a dead letter, and has done little practical good except the slight educative effect which it has had on certain classes of people. The law regarding the age of consent has been in existence a pretty long time, but the last Census Report says :

"There is little evidence in the Census figures to suggest that the practice of infant marriage is dying out."

How long, Sir, shall we then allow this canker to eat into the vitals of our race ? Shall we stand by and see the race sink below the point when regeneration and resuscitation become impossible ?

Sir, in some quarters an objection has been taken to the provision in the Bill as to the function which the Magistrate has to perform in the working of the law The fact is that the Bill provides 12 years as the minimum age of a girl for a valid marriage. In order, however, to disarm all opposition on the part of the orthodox people, the Bill provides that a valid marriage of a girl, even in her 12th year, may be performed if there be a conscientious objection to the postponing of the marriage any longer. Some machinery has to be devised for the operation of this provision, and I consider that the Magistrate of the District is the most convenient and safe agency through whom the law may be fulfilled. The Bill gives no discretion to him to grant or refuse a license. His function is purely mechanical. When a conscientious objection in the shape of an affidavit is filed, the law enjoins him to issue a licence. I may, however, add that the provision with regard to the Magistrate is not an essential or an organic part of the measure I propose, and there will be no objection on my part to a suitable modification of the provision, if it can be devised.

I have a word to say to Government as to their attitude towards this Bill. A heavy responsibility rests on them for the continuance of this evil. Government probably know that several Indian States, for instance, Boroda, Mysore and Bharatpur, have passed laws forbidding marriages of girls below 12. Recently, the state [illegible] ated a new Marriage Act with effect from 1st [illegible] riage of girls under 12 and boys under 16, [illegible] with men above double their age and of unmarried girls over 16 with men over 45. Even China has passed a law forbidding marriages of girls below 16 and boys below 18 Sir, this shows what attitude Governments really interested in and solicitious of the welfare of their people are taking in regard to child marriage, and the duty of the Government of India lies clear before them. I was taken aback when at the introduction of my Bill, the Honourable the late Home Member declared that he would oppose its passing but that he did not desire to break the convention that Bills should not be opposed at the introduction stage. That, Sir, was a surprise to me. For, had not this very Government, through its Home Secretary, though in an apologetic tone, expressed its sympathy with the measure in 1921 ? I read from the debates of the Legislative Assembly held on the 17th February 1921 :

"Q No. 123. Lala Girdhari Lal : Do the Government intend to undertake legislation forbidding marriages of girls before the age of 11 and that of boys before 14 ?

Answer by Mr. S. P. O'Donnell: The answer is in the negative. Government consider that under the present conditions, in a matter of this kind which intimately concerns the social customs and religious beliefs of the people, it is preferable that the initiative should be taken by non-officials rather than the Government.''

Does this not show by clear implication that in 1921 the attitude of Government towards the question was one of sympathy, and by no means one of opposition? Sir, it was a surprise to me, as it was to most people, to see that a Government which professes to work for the good of the people, a Government that is representative of a nation that certainly is one of the most advanced in the world in wisdom and in the development of Justice and freedom, and claims—and I think rightly—that it has a great respect for womanhood, should take up such an attitude, and instead of welcoming and promising to support such essentially necessary legislation for children and helpless girls, declare its intention to oppose it. Sir, if Government had said that they had in their hands unimpeachable and overwhelming evidence that the bulk of Hindu public opinion was dead against the measure, and that therefore they could not support it, we could understand their position. The attitude of the late Home Member has been condemned in the country and constructions have been put upon it which I think are unjustifiable, but which Government would do well to prove to be groundless and unjustified by taking up a helpful attitude towards this Bill. For, after all, Government, like the humblest of men, would be judged by its acts and not by its professions Take this month's number of the *Modern Review*, the premier magazine in the country. In an article entitled "Indian Social Reformers, etc." the editor, Mr. Ramananda Chatterjee, says:

"The abolition of child-marriage and child mortality and the raising of the age of consent within and outside marital relations would tend to make Indians a physically, intellectually and morally fitter nation. But British bureaucrats have all along been very unwilling to help Indian social reformers in effecting these reforms by direct and indirect legislation. They had no objection to abolish Suttee, probably because it was mainly a question of humanity,—the abolition of Suttee was not expected to promote the building up of a stalwart nation. But the abolition of child marriage, etc., is indirectly and almost directly a political as well as a social remedy. So in these matters our British bureaucratic friends fall back upon the cant of neutrality and non-interference in religious and socio-religious matters. As if Suttee, hook swinging, etc, were not such things, which the British Government have stopped by legislation ....".

He adds:

"And this mentality continues in spite of the following admission made in the Census Report of India for 1901 A. D (Vol. I., page 434).

'Happily there is reason to believe that the leaders of Indian society are fully alive to the disastrous consequences, both to the individual and to the race which arise from premature cohabitation and are anxious to use their influence to defer the commencement of conjugal life until the wife has attained the full measure of physical maturity requisite to fit her for child bearing'."

The editor further adds:

"Twenty six years have passed since this was written, yet the late Home Member of the Government of India declared that he would oppose Mr Harbilas Sada's very modest Hindu Child Marriage Bill. It has to be seen whether his successor will carry out the threat."

Though I, for one, do not believe that British officers in India are inspired by such unworthy motives as are ascribed to them in their attitute towards legislation such as that on the anvil, still it is my earnest hope that Government would reconsider their attitude towards this

[Rai Sahib Harbilas Sarda.]

question of child widowhood—the tragedy of child widowhood as the *Pioneer* in its issue of the 9th of this month calls it. I would beg the Honourable the Home Member not to say or do anything which would give the social reformers and workers in the country and the public generally, any plausible ground to charge Government with hostility based on political considerations, to all measures calculated to remedy social and physical evils which are a disgrace to all concerned and which effectually bar their way to physical or social welfare.

[illegible] which a book and a speech in Engl [illegible] not furnish an excuse to its simp [illegible] ping to perpetuate conditions which the base traducers of fallen and subject nations gladly make use of. Just as there are slimy creatures who burrow in dirt, eat dirt and throw out dirt, so are there persons like that notorious writer of "Mother India", whose attempt to revile the "mother" has earned for her the contempt of all sensible people. While she will for a time enjoy the ill repute of a defamer of a nation, to future students of Indian constitutional history she will appear as one of those contemptible characters, who lend themselves to become tools in the hands of scheming opponents of a nation's aspirations.

Sir, there are Indians who think, whether or rightly or wrongly, that Government who is the guardian of India's interests does India an injury by conniving at the continued existence of child-widowhood in the country, as it exposes their motherland to the base lies and vile calumnies of a Pilcher against a suffering class of womanhood, whose high character and sainted lives amidst suffering nobly borne, ought to put to shame those whose vile outpourings in no way enhance the dignity, the prestige, or the glory of the English race. Sir, Providence, as a just retribution for the woes and sufferings to which our passive acquiescence in the continuance of an evil custom subjects the child widows of this country, has condemned us to centuries of political servitude and national impotence, when in our utter helplessness we have silently to suffer the outrageous insults heaped on our womanhood. Sir, when an insult was offered to the Queen of France, the noble Burke in a memorable outburst of impassioned and noble eloquence, exclaimed that the age of chivalry had passed or ten thousand swords would have leapt from their scabbards to avenge that insult.

How fallen are we, and not we alone—pardon my saying so, Sir—but also some others who, having inherited the noble traditions of the English race and being custodians of the honour, the good name and the reputation of this country, allow without a protest the womanhood of India to be so basely traduced and grossly insulted—insulted in a manner which has moved at least one Englishman, a true missionary of Christ, to do public penance in Calcutta for the great crime of a countryman of his.

Sir, if Government have no desire or have not the courage to initiate and carry through legislation prohibiting marriages of girls below 12 years of age, they might very well give this private measure their hearty support. But even if the Honourable the Home Member is not disposed to do this, as we think the representative of the *Ma Bap* Government

possessing a genuine solicitude for the welfare of the people ought to do, he will at least take up an attitude of neutrality, release Government Members from the Mandate handicap and permit them to vote according to their conscience, or let the fate of the Bill be decided by the vote of the Indian Members of this House who are principally affected by it. I hope Government have noted that all the amendments so far proposed by Honourable Members not only support the Bill but are directed towards making the provisions of the Bill go much further than I have ventured to do.

Sir, with your permission, I will read the report published in the *Times of India* of the 24th June 1926, of a heartrending incident, the direct result of a child marriage !

"The sad story of how a young married Mahratta girl, eleven years old, named Bhingoobai, drowned herself in a well at Narayanpet Road Station, on the G. I. P. Railway between Raichur and Wadi, while being sent back by her father to her husband at Shahabad has reached here.

The driver on No 16 passenger train stated that while examining his engine near the water tank at Narayanpet Station, he noticed a girl get down from the third class bogie carriage and running to station well to jump into it.

The father of the girl told the police that his daughter Bhingoobai had been married to one Luxmon, four years back when she was about six years old In accordance with the custom, she was sent to her husband's house two months after marriage. After remaining there two months, she returned to her parent's house, was sent back by the latter, but returned again.

This happened several times. Her father taking advantage of one of his relations named Yedoo going to Shahabad determined to send his daughter back to her husband with this relation and himself took her to the station and saw her entrained. While he and Yedoo were engaged in conversation on the platform he was informed his daughter had fallen in a well. He ran to the well with others and a cultivator, named Samboo, jumped into the well and brought the girl out still alive but senseless She expired soon after "

Sir, this is not a solitary incident of its kind in this country. I have personal knowledge of one or two other similar sad things. Do Government with the knowledge of such happenings still feel justified in opposing or by proposing dilatory proceedings, in postponing the fruition of the labours of people who are endeavouring to alleviate the lot of innocent, defenceless girls who are done to death by ignorant, heartless custom, or a mischievously false notion of social decorum ?

Sir, before I resume my seat, I respectfully and with all the earnestness that I can command, invite the attention of Honourable Members on both sides of the House to the touching appeal of Mahatma Gandhi made at Madras on the 7th September, 1927, for the abolition of child widowhood. He said that there was no warrant for this kind of widowhood in Hinduism, and, he exclaimed with intense grief and agony of mental pain, "I have often said in secret to God, 'If you want me to live, Oh, God, why do you make me a witness to these tragedies ?' "

Kumar Ganganand Sinha (Bhagalpur, Purnea and the Santhal Parganas : Non-Muhammadan) I sincerely congratulate my Honourable friend from Ajmer-Merwara who has brought forward this Bill to eradicate a deep-rooted evil from the Hindu society, namely, early marriage Before I proceed further, I must make it clear that by early marriage I mean marriage at an age at which it is contemplated to be stopped

[Kumar Ganganand Sinha.]

by the Bill which we are now considering. Every Hindu knows to-day that taken as a whole his race is on the downward path of physical deterioration attended by intellectual degeneration and is threatened with virtual extinction. The reasons for these are as much political, as much economic as social and my Honourable friend has attacked one of the aspects of our social system which contributes towards such a degeneration. I think he has brought this measure at a right time and in a right place. Any one who has taken care to study the growth of the Hindu society will bear testimony to the fact that taking into account the history of Hindu civilisation, comparatively speaking, the custom of early marriage is a matter of rather recent origin. But somehow it has taken a firm grip of the society, and to free ourselves from it we must struggle very hard. There are unfortunately persons amongst us who try to justify early marriages by quoting scriptures. To them I say that I have also taken care to read scriptures with a view to getting information on the point and have taken pains to discuss it with erudite pundits of our part of the country, and I have come across nothing that can justify the marriage below the age which this Bill seeks to fix as the marriageable age. I do not want, here, on the floor of this House, to enter into learned discussions and dissertions about our scriptures but I am prepared to join issue with anybody who says that what I have stated above is not a fact. There is to my mind no religious sanction behind a marriage of that kind. That is not all. If we look at the matter from other aspects also, it would appear that the reasons and arguments for stopping early marriages are much more convincing. Look at it as a source of increasing the number of young widows who cannot remarry and constantly cast a gloom on the family by reminding all elderly members of the family of the loss the family has sustained in the death of the husband ; look at it from the point of view of the death of child mothers who conceive at a tender age and bring forth sickly babies ; look at it from the point of view of child mortality of which child parentage is a potent cause, and I am sure you will say that you must root out the evil at all costs. It is sapping the vitals of our race, and to let this continue is to commit racial suicide. I would like to quote some statistics that will illustrate the evil of the custom from the various aspects I have indicated. I was looking into the statistics in the last Census Report and it is stated there that in the whole of British India the infant death-rate amounts to one-fifth of the total death-rate for all ages and about one-fifth of the children die before the age of one year. As to its cause, it is stated :

> "Special causes contribute to the high mortality of infants in India. Owing to the custom of early marriage, cohabitation and child-birth commonly take place before the woman is physically mature and this, combined with primitive and insanitary methods of midwifery seriously affects the health and vitality of the mother and through her of the child. Available statistics show that over 40 per cent of the deaths of infants occur in the first week after birth and over 60 per cent. in the first month."

Another remarkable fact that is revealed in the Report is this :

> "A marked feature of the statistics of the last 20 years has been the increase in proportion of female deaths since 1901."

Although the Report does not refer to it, it is a matter of common knowledge that where provisions for midwifery are not adequate many

child mothers have to pay with their lives for their and their guardians' ignorance. That is often the remote cause but all the same that is an important factor in the mortality of child mothers. The doctors can bear testimony to this fact. There are in this land 216,237,797 Hindus, divided into 110,626,596 males, 105,611,201 females and out of these 20,218,780 are widowed females, and when I come to divide them according to age, the revelations are appalling. You will see that there are 597 widows of the age 1 and less. Between the ages of 1 and 2 years there are 494 widows, between 2 and 3 there are 1,257, between 3 and 4 there are 2,837, between 4 and 5, there are 6,707 The figures for higher ages are :

Age.	No. of widows.
5—10	85,037
10—15	232,147
15—20	396,172
20—25	742,820
25—30	1,163,720

Sir, it is stated in page 155 of the same Report that the large number of Indian widows is due partly to the early age of marriage, partly to the disparity in the ages of husbands and wives but chiefly to the prejudice against the remarriage of widows The higher caste of Hindus forbid it altogether and as the custom is held to be a mark of social respectability, many of the more ambitious of [illegible] of raising their social status. I a [illegible] ? Are these not things which the [illegible] h a large proportion of child mortality, such a large proportion of child widows, such a large proportion of female deaths brought about sometimes directly and sometimes indirectly by early marriages ? Sir, these census reports are very valuable documents. They supply information with regard to almost everything about which we need them and here is a table that has been framed about early marriages. It is stated that in 1881, out of 1,000 males between the ages of 10 and 15, 843 were married ; in 1891, 841 , in 1901, 860 ; in 1911, 866 ; and in 1921, 879. And between the ages of 15 and 20, in 1881 the number was 617 ; in 1891, 621 ; in 1901 650 ; in 1911, 665 ; and in 1921, 687. Now we come to the females between the ages of 5 and 10 in every 1,000 females in the year 1891 there were as many as 874 married girls ; in 1901, 893 ; in 1911, 891 ; and in 1921, 907. Again between 10 and 15 years their numbers are as follows :—In 1881, 481 ; in 1891, 491 ; in 1901, 559 ; in 1911, 555 ; and in 1921, 601. The House will note that the tendency towards early marriages is generally on the increase, though the increase has not been very large. But in spite of the efforts of social reformers who want to kill the custom of early marriage ; in spite of the abolition of early marriage being advocated in the Press and on platforms by the various social and quasi-religious organisations, we see that we have not been able to kill this evil. It has rather increased in spite of all our efforts during these decades than decreased. The practical effects of child marriage, as I have stated before, are twofold. First, it implies cohabitation at an immature age, sometimes even before puberty, and practically always on the first signs of puberty, resulting in grave physical effects upon the girl and in all the evils of premature child-birth ; and secondly, in the event of the husband

[Kumar Ganganand Sinha.]

dying the child wife is in the case of castes in which the remarriage of widows is prohibited, left a widow for life I shall not take the time of the House by narrating what Hindu widowhood means. There is no Hindu who does not know it from practical experience in his household It is a life of agony, pains and suffering and austerity. It is a life which has been inflicted not so much by Providence, not so much by the Shastras, as by social customs. I repeat, Sir, it is not difficult to imagine what a childwidow in a Hindu household means. Fancy, mothers seeing the sight *of widowed daughters day after day in a helpless fashion, sharing their* agony ! Shall it not break the heart of everybody who experiences it ?

Mr. President : Is the Honourable Member going to move his amendment ?

Kumar Ganganand Sinha : I will refer to it later. I am going to move for a Select Committee, not for circulation, Sir, I again congratulate the Member in charge of the Bill for bringing in this timely measure, but I regret that I cannot agree with the details of the provisions of the Bill. I differ from him in regard to some of the particulars. I am going to move that it be referred to a Select Committee and I hope that the Select Committee will go into the details and make the necessary changes which will make the measure acceptable to this House. I will refer first to the question of validity which has been raised in this Bill. It is against all the canons of Hindu law, and the Hindu Shástras, that a Hindu marriage duly performed should be challenged by any temporal authority. *The Hindu Shástras prescribe remarriage under certain conditions* and certain conditions only ; but our society has come to a stage in which even that is not possible It is really inconceivable that a Hindu marriage once celebrated according to the Shástras could be invalidated by any authority whatsoever. At present no one can nullify a marriage once duly celebrated, even if the temporal authorities order it, because the society will never accept it, and in case of insistence there will be a great stir in the country which I do not think the House would like to cause. I then come to the question of age. So far as the age of females is concerned, I have nothing to say. It is just as it should be when we take into consideration the present day Hindu *society as a whole. But so far as the age of males is concerned, I* think the Bill ought to be amended a little. As a matter of fact in his Statement of Objects and Reasons the Member in charge of the Bill has himself stated that according to the Brahmanas, the most ancient and most authoritative book on Hindu law, the minimum marriageable age of a man is 24 years and of a woman 16 years. Regarding boys, he states further that the Shástras do not enjoin marriage at a particular age. But he thinks that public opinion amongst Hindus would fix 18 years as the minimum marriageable age for a boy. Sir, my own opinion is that the minimum marriageable age of the boy should be fixed at 18 years. That is the age of majority in most cases and I do not like *that a marriage should be celebrated at a time when a boy has not* attained the age of discretion. Below that age physical development is at a very early stage and I am afraid that a marriage if celebrated before that age woul [illegible]
I seriously object on [illegible]
of validity raised in the Bill to the provision for granting licenses. I do not like that executive authorities should have anything material

to do with our social or religious matters. This piece of legislation is designed, I think, to help society and to help the formation of public opinion and it should not provide for anything which may give the power of interference to the Government. With some such imperfections removed, I think, the Bill will be acceptable to the House.

Sir, I move my amendment which is No. 3 on the agenda, namely, that the Bill be referred to a Select Committee.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I rise to give my whole-hearted support to the motion before the House As a rule, Sir, I am opposed to measures of social reform by legislation. Whilst we have had a number of figures put before the House, giving details and statistics regarding the number of child widows under the age of 10 and so on, my Honourable friend the Rai Sahib from Ajmer-Merwara will admit that this evil has been steadily decreasing during the last say 30 years, even in his part of the country, Rajputana, where I am afraid it can be said even amongst the middle and upper castes and classes child marriage is most prevalent at present.

12 Noon

The Honourable Member will admit however that the age at which girls are offered in marriage has a decided tendency to increase. What I think the Hindu conscience clearly revolts against now— and when I say Hindu conscience I mean, Sir, the consciences of all those who can think for themselves— is that any of those cases which occur at present should at all occur in the year of grace 1927 We feel that it is high time that this should be put a stop to, and I agree with the Honourable the Mover of the Bill that it is necessary to bring legislation in in order effectively to put a stop to child marriage or marriage of girls under 12. I do not wish to go into the details of how this custom of child marriage came to be and has continued all these years, it may be a very interesting subject, but I am afraid it is quite unnecessary to take the House through the various stages through which we have gone down to offering almost babies in marriage. I do not believe there can be a single Member in this House, or I venture to say a single thinking man in the Hindu society outside who deserves any consideration who would stand up and defend the marriage of a girl of four, five or even of ten years But even the Honourable mover will realize that, owing to superstition, somehow or other a certain section of the Hindu community—and it does not go by caste but it goes by the extent to which education may have reached that section or not—a certain section of the Hindu community do unfortunately mix this up with their religion It is therefore necessary if the Honourable Mover's very laudable effort is to meet with success, that the House should act firmly, as I admit they must and as I hope they eventually will , but let us move with cautious steps I, Sir, yield to none in my efforts to have child marriage stamped out from Hindu society. I am one of those who feel a humiliation, which I look upon as a great humiliation, when I am reminded that people who profess my creed and my religion have the heart to mar the happiness of their girls, knowing the dangers of child marriage. Bearing in mind the extent to which India is liable to plague, cholera and all the other diseases, none but an unthinking Hindu father alone, or none but a fanatic Hindu father alone can with a quiet conscience offer his girl in marriage at

[Sir Purshotamdas Thakurdas.]

age which is an age of babyhood and of childhood. We must however recognize facts as they are. I therefore would very much suggest to the Honourable Member to have a little patience and to agree to comparatively slow and cautious steps being taken. All that I would ask him to insist upon is that whenever the step is taken, it should be a firm one The Honourable Mover has said that several Indian States have introduced measures similar to the one which he has put before the House. I think it would be useful to this House, constituted as it is not only of Hindus but also of Muhammadans, Europeans and Parsis, who are all intent upon saving Hindus from this severe drawback, if it is realised that these various communities and their representatives in this House require to be satisfied that the real and correct religious feelings of the Hindu community are not in any way injured. (Hear, hear.) I am inclined to feel, Sir, that when the Bill comes to the stage of consideration clause by clause, it would be possible to prove on the floor of this House that anybody who mixes up the correct Hindu religion in its purity with child marriage is either a person fit to be locked up in a lunatic asylum or one who has some vested interests connected with the continuance of child marriage ; but that stage, Sir, must be reached by the regular process. I therefore hope that whilst I am anxious to give my fullest support to the Bill at the stage at which it has now reached, the Honourable the Mover will not insist upon pushing it through this House to-day but will have patience and will see that when the House does eventually act, it will act firmly and without any fear. I hope, Sir, that the Government, if they carry the motion which I see on the agenda paper, will also take every possible step to see that as little delay as possible takes place in getting the opinions of all whose opinions we should have, and let us hope that at the next winter Session in Delhi this Bill will emerge from this House as a measure satisfactory both to the House and to the thinking section of the Hindu public. Sir, I have great pleasure in supporting the motion.

Mr. President : Is the Honourable the Home Member going to move his amendment ?

The Honourable Mr. J. Crerar (Home Member) : I move, Sir, that the Bill be circulated for the purpose of eliciting opinions thereon.

Mr. President, the zeal, the earnestness and the sincerity with which the Honourable the Mover has moved his motion have I think, been greatly appreciated by, and have left a deep impression upon, the House, and the impression is felt as much on this side of the House as among the Honourable gentlemen opposite. (Cheers.) No one can deny, no one could be disposed to deny, that the evils and the many ramifications of the evils to which the Honourable gentleman referred constitute in themselves a great problem and one which demands a solution. So far as the Honourable Member's Bill expresses the principle that one of the various means of approaching this problem should be by legislation of a civil character, that is a principle with which I myself have a very large measure of sympathy. Everyone, I think, will agree that our best hopes for progress and for a remedy must lie in the progress of enlightenment, in the support of enlightened and educated public opinion in these matters, and in the establishment of practices based upon public opinion.

(Cheers.) But I do not deny that a great responsibility rests upon the Legislature and upon the Government to do all they can to promote the rapid development of public opinion on those lines. We have as a matter of fact undertaken penal legislation in the matter. A measure of penal legislation, which at any rate is to a certain extent germane to the question, will probably be before the House at a later stage to-day. The Honourable mover of this Bill has confined his attention to civil legislation, and I agree that the extent to w[illegible] and to a certain extent aided by means of [illegible] ich merits very careful and very serious [illegible] Member stated that the Government of India have a great responsibility in this matter. I entirely concur. But one of the responsibilities and a very heavy one on the Government of India is to ensure that where measures undoubtedly impinge very deeply upon the religious ideas and the social customs of very considerable sections of the population, all legitimate interests and all legitimate opinion should be carefully, fully and fairly ascertain. Another part of the responsibility which rests upon the Government of India is to see as far as in them lies that such measures as are proposed are really conducive to the ends to which they are directed. Now, Sir, I do not intend to go into the particular merits of this Bill. Sir Purshotamdas Thakurdas in a powerful speech has just urged upon the House and upon Government to exercise caution in the matter. I confess that note of caution seemed to me to be a wise counsel. I think that before the House proceeds to consider this Bill in greater detail it ought to pass the motion which I move for further eliciting opinion thereon. Legislation, however well-intentioned, if it is hasty, is not likely in the end to promote the purpose for which it is intended. Legislation which is passed without due consideration may have consequences very remote from those which were intended. I am not opposed to the main principle of the Honourable Member's Bill on its merits, but I do appeal to the House to show that spirit of caution which is enjoined by Sir Purshotamdas Thakurdas I ask the House to agree that this motion for the purpose of further eliciting opinion upon the Bill be passed.

Lala Lajpat Rai (Jullundur Division . Non-Muhammadan) : Sir, I really have no patience with those people who always want to proceed slowly and cautiously in matters of such vital importance for the well being of the community as the measure under consideration is. The voice against child marriages was raised in this country by a Hindu of very great pre-eminence whose name is honoured all over the country, by all sections of the Hindu community, I mean Raja Ram Mohan Roy, as early as 1830 He and his co-workers thought that the spread of education in this country would be so rapid and the conscience and intelligence of the community would be roused in such a short time that he and his colleagues would live to see the actual carrying out of this reform. But a foreign government has retarded the intellectual and social progress of this country by its very dilatory methods and by its slow and cautious measures—political, economic and social. If you study the Shastras and the Smritis, you will find, that the Hindus have always been changing their social laws according to the needs of the times, having had the power to do it by enacting legislation. Social reform is no easy task in any country ; it has not been easy in any age. Even in western countries, where education has filtered down to the masses and where bombastic claims are being made

[Lala Lajpat Rai.]

of enlightenment and purity of life, social reform is not an easy task. But social reform in a country like India which is governed by a foreign nation, a foreign power and a foreign race, is much more difficult ; and even the [illegible] takes so much time, and is always [illegible] either from the Government or f[illegible] measure, conceivable or inconceivable. Sir, I do pretend to have some knowledge of the Hindu religion In my opinion such customs and manners have their origin, not in religion, but in certain political and economic causes, which bring about a change in the minds of the people who observe these customs and manners. Religion has nothing to do with it, and I emphatically repudiate the idea that the Hindu religion enjoins on anybody marriages of infants and children as have been going on in the immediate past and as are even now being celebrated in the name of religion. I beg to point out, Sir, that public opinion on this question has been sufficiently educated. At no time and at no stage will there be a lack of people who will oppose a measure of this kind in the name of religion. As long as legislative effect is not given to the desires of those who want this reform the opposition will go on. The question is simply this : Is the measure a right one or not ? If it is a right one, it ought to be accepted by the Legislature : if it is a wrong one, it ought to be rejected. So far as the Government's attitude is concerned, they say that we should proceed cautiously and that the opinions of the people concerned should be obtained, so that there might be no infringement of their religious susceptibilities. I might point out that Government have not kept that principle invariably in view. The Government at least should not have the face to say that they care very much for public opinion in this country. Do they care for it in other matters ? Certainly not. Public opinion has very often been expressed very strongly and clearly ; but the Government have simply trodden over it, disregarded it and followed their own inclinations The easiest method of ascertaining public opinion in this matter is that this measure which affects the Hindu community should be left to the Hindu Members of this Assembly ; let them decide among themselves as to what should be done. The Government should not interfere There are representatives of orthodox Hindu opinion here who have come from different parts of the country and there are representatives of those classes also who may be called heretics and who are reformers ; there are representatives of all classes. It is for them to decide upon legislation in this matter. The easiest way to ascertain public opinion and to find out whether the community is in favour of or against the measure is to leave it entirely to their representatives here. But when the Government interferes, I submit, it takes a great responsibility and it lays itself open to those charges of mixed motives which have been levelled against it by such clear-headed people as the editor of the *Modern Review* ; he is not given to bluffing ; he is not given to exaggerating and he always expresses very balanced opinions on questions social, political, and economic. (*An Honourable Member :* "Moderate.") The feeling is very strong on this side of the House against the suggestion of the Home Member that more time is required for eliciting information in regard to this matter. But, even assuming that there is need for it ; the motion of my friend, Kumar Ganganand Sinha, gives that opportunity. If you simply circulate this Bill for opinion now, it will not come up for consideration soon because eliciting public opinion is a huge

task. Some people will express and some will not express any opinion [illegible] feel satisfied. I do not think my friend, Sir [illegible] uite justified in saying that if this Bill were [illegible] opinion we would have an opportunity of finishing this legislation in the next winter Session. I do not think that is possible. But even if there are some people who are very anxious that the measure should not be proceeded with at once and that it requires closer examination in certain details their desire will be fulfilled by a reference to a Select Committee. It will give ample time to people who desire to express their opinion to do so. The measure has been before the House for several months now, it has been discussed and commented on in the papers already and people have expressed their opinion in the public Press. It is not as if it is sprung as a surprise to-day or on a few days' notice ; it has been practically on the anvil for several months now ; therefore there has been sufficient opportunity for public opinion to express itself ; and if any further opportunity is required, the proposal of my Honourable friend, Kumar Ganganand Sinha, affords that opportunity. Reference to a Select Committee means that the Select Committee will meet, it will discuss and consider all the opinions submitted to it in a definite time and make its Report The Report cannot be submitted in this Session, but it may be submitted in the beginning of the next Session. It will thus give us an opportunity to accept or reject this measure as may be decided upon by the majority of votes within a definite time. But, Sir, the acceptance of the proposal made by the Honourable the Home Member that the Bill should be circulated for public opinion will mean practically shelving the measure. I therefore strongly oppose the motion, and would ask the Hindu Members and other Members also who claim to be enlightened and broad-minded, not to vote for this amendment, but to accept the amendment proposed by Kumar Ganganand Sinha. At this stage I do not want to make any very lengthy comments on this measure, but I want to say one thing. If I had my way, I would raise the marriageable age of girls to at least 16 years. I would not be content with 11 or 12 years. I know that even in the most advanced countries of the world, the marriageable age of girls is not fixed, and I also know that even in India the early marriages are confined mostly to what are known in the Hindu community as the "higher castes" It is not such a widespread evil as some people think, but even for those limited classes and for the general political progress of the country, the question is of the most vital importance and should be taken in hand as soon as possible. The Honourable Member has been very cautious, in fixing the marriageable age at 12. I am very sorry to say that even such a cautious measure is not acceptable to certain Members of the House and they still want to proceed slowly and cautiously. After eliciting public opinion, the Bill may or may not come up within any measurable distance of time. Sir, this measure being a very moderate one, the Government ought not to shelve it by insisting on their amendment to circulate the Bill for eliciting public opinion. I would ask the independent Members of the House to vote for the motion that it be referred to a Select Committee.

I will only add one word, and it is this. When I am supporting this motion, I should not be considered to admit that in India we have an extra dose of sin in our men and women in social matters. I do not want to go into details. Sir, all communities in the world are victims of social abuses. We have certain classes of bad customs, while others have got certain others.

[Lala Lajpat Rai.]

This is not the occasion for me to go into them, but I do not think that anybody can point his finger and say that we in India have got the greatest dose of sin in the world in the matter of bad social customs, social manners or morality. I do not defend the practice of child marriage, Sir, in any way or in any shape or by any explanation. It is simply indefensible. It cannot possibly be defended on any grounds, but at the same time I do not want it to be understood that we are, as I have already said, for that reason immoral people or even an unmoral people. I say, Sir, that we are victims of our social customs, as some other people are victims of their own social customs. We want to progress, and I am perfectly certain that this evil custom would have been simply stamped out of India if we had the legislative powers in our hands, earlier. In all these matters of social reform, a certain amount of coercion has to be used, success can be achieved only when the leaders of the community sit together in a Legislature and decide to exercise a certain amount of coercion in bringing about the necessary reform. But, Sir, we have been powerless in the past; we are powerless even now. Even if this measure is passed, some people will memorialise the Viceroy to veto it Therefore, I would appeal to the Government Members not to throw in their weight in favour of shelving this measure, because it is of very great importance to the people of India I am glad that in spite of this debate being misinterpreted in various ways by the enemies of political progress and of our political aspirations, in India or outside, we are staunch in the matter of pushing forward social reform, whatever may be the interpretation that may be put upon our speeches, methods or measures. We are determined, Sir, that the evil customs prevailing in our country, which are eating into the vitals of the nation and which stand in the way of our general and political progress, should be entirely stamped out. Sir, I am confidently able to say that the Hindu community as a whole has begun to realise the evils of child marriage and they want to get rid of it. But, there are always some people who are opposed to change and who are conservative to an extraordinary degree. They may be actuated by the best of motives, but they are the enemies of progress and their voice is not entitled to much weight It is enough to follow the enlightened public opinion of the country. Therefore, I commend the motion made by my friend Kumar Ganganand Sinha for the acceptance of this House and not the one made by the Honourable the Home Member.

Mr. W. A. Cosgrave (Assam : Nominated Official) : Sir, I rise to support the amendment moved by the Honourable the Home Member, that the Bill be circulated for eliciting public opinion thereon. I have just listened with great interest to the speech delivered by my Honourable friend Lala Lajpat Rai, and I must say that I have hardly ever heard a more convincing speech in favour of the amendment that the Bill be circulated for eliciting public opinion thereon.

The first point I would mention is that my Honourable friend Lala Lajpat Rai said that he would like to raise the age of marriage to 16, while under clause 3 of this Bill, the proposed age is 12. If Honourable Members will read the amendments tabled on this list, they will see that there are many different proposals as to what the age should be under clauses 3 and 4 Personally speaking, I think that many of us are of the opinion that, as far as possible, the age of marriage ought to coincide with the

age of consent. But in view of the fact that my Honourable friend Lala Lajpat Rai thinks that the age should be raised to 16, and that other Honourable gentlemen have tabled amendments proposing other ages, I think that it is a very cogent argument in support of the fact that this Bill should be circulated for eliciting public opinion. I really owe an apology to the House for speaking on this Bill, because I agree in many ways for once at any rate at least with my Honourable friend Lala Lajpat Rai when he says that this is primarily a matter for Hindus to decide. And I think there is also another reason why the Bill should be circulated. How many Hindus are there in India ? This is a Bill which will affect more than two hundred millions of people.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Is not this House representative of the Hindus ?

An Honourable Member : Not entirely.

Mr. W. A. Cosgrave : There are very good representatives of the Hindus on the other side, I quite admit, but I think that a Bill which affects the social and religious, if I may say so, customs of more than two hundred millions of people should be circulated for opinion. I am speaking as a private Member, and I think that it might be possible that, if this Bill is circulated, some sort of undertaking might be given that it would come up for consideration again at a definite period. It is not for me but it is for the Honourable the Home Member to say as to whether this Bill will come up again at the Delhi Session or at the next Simla Session. But speaking as a Government officer who has spent 24 years in this country and who is very keen on every sort of social reform, I personally am entirely in favour of having some sort of law on the subject. I agree with my Honourable friend, Sir Purshotamdas Thakurdas, that social reform should as a rule be accomplished without legislation. But in these cases we seem to be able to do very little without some sort of legislation. Judging by the numerous Bills and Acts introduced by my friend, Sir Hari Singh Gour, it is almost impossible to get social reform without some form of legislation.

Another great defect, as far as I can see, in the present Bill—and in this matter I am speaking as a Government officer who is keen on social reform—is that there is no penalty provided in the Bill and that the only action left to the District Magistrate, who is supposed to be a sort of maid of all works in these social matters and other things, is to accept the affidavit which may be true or may be untrue. Well, Sir, I do not agree with my Honourable friend Kumar Ganganand Sinha that the Bill should be referred to a Select Committee at the present time. I hope it will come to a Select Committee later on, because personally I have the greatest sympathy with my Honourable friend Rai Sahib Harbilas Sarda in the motives which have led him to introduce his Bill. I notice that my Honourable friend Kumar Ganganand Sinha has as much dislike as I have for clause 6 of the Bill And personally I think one objection to clause 6 of the Bill as it stands at present is that it is a loophole for all sorts of evasions of the Bill. I think, Sir, I have shown that there are many points in this Bill which require consideration by the country at large before the Bill goes to a Select Committee. I personally would have great sympathy with the Honourable gentlemen on the other side if they said that they did not want to have a District Magistrate

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interfering with Hindu marriages, and personally I think clause 6 will be practically either a dead letter or else it will give a convenient loophole for the evasion of the spirit of the Bill moved by my Honourable friend Rai Sahib Harbilas Sarda. And, Sir, I personally, as an apostle, if I may say so, of *laissez faire*, like to interfere with people's social customs as little as possible ; I like to see people happy and contented, I don't like interference with my social customs and don't like to interfere with other people's social customs, and I think, Sir, this clause 6 is open, as the Honourable Kumar Ganganand said, to very serious objections. I think that this is a question that I can quite understand public bodies and other people who are consulted saying that they would rather have this clause omitted And, Sir, I can also imagine that there are certain people who might possibly object to the definition of "Hindu" in clause 2 There are of course all sorts of Hindus but there are some people who might say that the term Hindus cannot include Brahmos as well as Buddhists. For all these reasons, Sir, the reasons that I have given that there is a great division of opinion as to what the age should be in this Bill, that there is a division of opinion as to what interference there should be by the district authorities as regards granting licenses on the basis of an affidavit or as to whether there should be a penalty in this Bill for disobedience to its clauses, for all these reasons, I consider that there is a very strong case for referring this Bill for the elicitation of opinion I hope speaking again as an officer keen on social reform, I personally hope that the Bill in some form or other becomes law within a very short time. I do not want it to be considered that in any way I am unsympathetic to this great cause of social reform of which I think my Honourable friend Rai Sahib Harbilas Sarda is a very worthy champion.

Mr. M. R. Jayakar (Bombay City : Non-Muhammadan Urban) : Sir, I rise to support the motion made by my Honourable friend Kumar Ganganand Sinha and to oppose the one made by the Honourable the Home Member. I have listened very carefully to the speech of the Honourable the Home Member and I must say, in absolute frankness, that occasions like these in my opinion are the only test which show whether our Government is national in temper. We are often told, Sir, that the justification for a foreign government to be in this country and to be at the helm of affairs is that, although for political reasons it is for a time foreign in personnel, it is growing increasingly national in temperament. Often that claim is made before us as a justification for the anomaly of a preponderence of Englishmen on the Government Benches. But, when occasions like these come, Sir, the real weakness of the British Government as in sole control of this country, becomes apparent. I want the Englishmen on the opposite Benches to take up a proper attitude on such questions. I can quite understand, Sir, that dealing with questions of this complexity, as they must appear to Englishmen, their attitude would be as follows :—"I will not apply my own mind to this question to see whether the remedy wanted is right or wrong . I am told by certain sections of Hindus that it concerns their religion : that gives me a fright : I will not touch the matter ; let it go ". That attitude, Sir, is the attitude of ignorance and timidity. A more natural attitude, if I may presume to speak for the benefit of my

English friends opposite, would be this. Let them judge this question from their inherent notions of right and wrong. Having judged all such questions as enlightened individuals and come to a determination that the matter is inherently right, then as forming the Government they are entitled to look for a certain measure of support from the enlightened sections of the community. We can never get, on any question of social reform, the whole of the country to agree. The Government are entitled to ask themselves after having decided that a Bill is a right measure, whether the enlightened sections of the community give their support to it. In every community there are enlightened and unenlightened sections and the enlightened section *ex hypothesi* is always a minority. I say the Government are entitled to seek for this measure of support for any social legislation. I am prepared to concede their claim that the enlightened section of the community should be with them. This is the only question to which the Government in such matters have to address themselves. This is the " Caution " of which the Honourable the Home Member has talked so much. He requires the ascertainment of public opinion. For what, may I ask ? Is it for the elicitation of the obvious truth that the proper place for a child below 12 is the nursery and not the marriage bed ? Is he going to ascertain public opinion on this important question—that such a child should, for its proper up-bringing be in the nursery or the play ground and not in the marital chamber ? Does he want to ascertain public opinion on this obvious question ? The Honourable the Home Member has a daughter, I suppose. I hope she is less than 12. If so, he can understand the force of my remarks. I am surprised at this frequent reteration of caution, Sir, caution, yes. Caution that the right measure is before the House. Caution, that the advanced and enlightened section of India supports it But caution, in this that we want on such a plain question to ascertain Hindu opinion, representatives of which opinion are gathered on this side except for a few ! When the social fabric is on fire, we are asked to have " caution ", to find out whether public opinion demands that the fire should be put out. Caution for what ? That a child below 12 should play and grow instead of being married. Surely, he is an Englishman and he understands I therefore think, Sir, that this advice of caution is absolutely misplaced in this case. Did Government consult public opinion when Mr Macworth Young stated to this House the other day that after 12 years of service they would give young English I. M. S men a gratuity of Rs 37,000 ? Was public opinion consulted on that question ? Did Government consult public opinion when such temporary English officers brought to this country, after six years of service, were given a gratuity of Rs 12,000 ?

Mr. G. M. Young (Army Secretary) : The gratuity in question is given to Indians as well as Englishmen.

Mr. M R. Jayakar : My point is did Government consult public opinion ? " Caution " comes only where questions of India's national welfare are concerned I do not want to be misunderstood I understand the difficulties of a foreign Government I am prepared to sympathise with them up to a certain point. But when they take their shelter under the advice of " caution " on questions which are only too obvious to the mind of any sensible man, I lose patience. The difficulty is, as I said before, the Englishman refuses to apply his mind to this question as he would in his own country. He is simply frightened by the attitude of the

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orthodox, which in every country must be opposed to social reform. It is here that my complaint against the British Government comes in ; not against their caution, but against the overdose of such caution. I agree, Sir, with the view of my Honourable friend Lala Lajpat Rai, that public opinion has long been agitated over this question. Since what time ? Long before some of us were born, and perhaps long before the parents of some of us were born. Since 1831 or thereabouts this question has been agitated, nearly 80 or 90 years ago, and yet the Honourable the Home Member gets up and says, " We want to ascertain public opinion ", after 80 years, to find out what is the proper environment for a child below 12 years. I can assure my Honourable friends opposite that when Swaraj comes—which seems to be doubtful under the present clouds—we would pass measures of this description in the very first sitting of our Legislature. I can assure my Honourable friends it would not take 10 minutes to pass such a measure if we were sitting on the Benches opposite under our own Government (Laughter.) All the three readings will be gone through in the course of one day, perhaps in the course of a morning (*Mr. D. V. Belvi* : " Question ") There may be some Belvis even then. They are bound to be in any generation, but they will be in a most solitary minority. They may have a significance here before a timid Government. They will have no significance before a national Government that knows its own mind as to what the country needs Their importance is heightened by the timidity of a foreign Government, if I may say so

Mr. B Das (Orissa Division : Non-Muhammadan) : They are Pandits and Gurus.

Mr. M R. Jayakar : My Honourable friend Mr. Das says, " They are Pandits and Gurus ". But unfortunately Mr Belvi is in neither of these categories. My Honourable friend Sir Purshotamdas Thakurdas also took the contagion and spoke of caution. I was surprised to hear that gospel preached by a person who always showed the courage of writing dissenting minutes and minority reports on Commissions. (Laughter.) Caution in social matters up to a certain point is good. Caution beyond that point is really misplaced caution. (*Lala Lajpat Rai* : " A crime ")

Another thing which I should like to ask the Honourable Benches opposite is, do they really think that social reform could ever be had without some coercion ? If so, they are mistaken. A certain amount of coercion is absolutely necessary. All Governments exercise this coercion. The British have done it in India. Their Government was less timid years ago when its conscience was touched—in 1872, 1864, 1863 and 1859—and important messages of social advancement were preached to this country through British Indian legislation. I am surprised how those Governments could be more courageous than the present Government. They had not then the benefit of so many representatives of the people on the other side to advise them. May I ask the Englishmen opposite when you suppressed *suttee*, when you did away with all the disqualifications due to change of religion, when you dealt with crimes which were practised in the name of religion, when you dealt with all the disabilities which were regarded as of the essence of the Hindu religion—that glorious renaissance of British legislation which went on for 25 or 30

years, but which unfortunately absolutely ended with the Morley-Minto reforms, did you not take your courage into your hands: Governments were not so timid in those days. Look at the speeches which were made by Government Members on those occasions—names which have stood as beacon lights in the annals of British social legislation. I have no time to go into those speeches. We think that this measure is right and we supported it in that belief by the enlightened opinion in this country. That is enough for our purpose. We proceed on, taking the consequences. This is the right attitude for my friends opposite. Unless the Government show courage, no progress can be made. They show this courage in other pieces of legislation which affect the political affairs of the country. Take for example, the Reserve Bank of India Bill. How did Sir Basil Blackett take his courage into his hand and defy the Legislature? He did not say, "Let us circulate for ascertaining public opinion whether I am right in my view." That is because in such measures the Englishman applies his mind to the rights and the merits of the particular case. In questions like the present he refuses to do that. He is simply frightened by the orthodox in this country I submit, Sir, that that is not the proper attitude. The Bill is a very cautious Bill. If I had my own way, I would do away with clause 6 entirely, and I do hope when the Bill goes to the Select Committee, it will be done away with. Government have the further assurance that in places like Baroda, Mysore, etc., where Swaraj obtains within certain limits, or pseudo-Swaraj obtains, whichever way one might take it, such measures have been passed. I may mention for the edification of my friends opposite that in Baroda this measure was passed long ago. and a section like section 6 stood in the Act providing loopholes. The State found that these loopholes nearly overran the provisions of the Bill, and a Commission has been appointed—I am stating my impression—a Commission has been appointed for the purpose of finding out ways and means by which these exceptions may be done away with This is in backward Baroda and yet we are told in 1927, on the 15th of September, that the civilized British Government must want further elucidation of public opinion, further proof that public opinion wants such a measure When more backward States have gone further and have progressed upon such a measure in a more drastic manner, this Government stands by in doubt and caution, I want the Government Members to consider this question very carefully In the minds of people like myself, their present attitude will determine very largely the esteem and trust in which we regard this Government and its personnel As I said in the beginning of my speech, these occasions are the test, whether this foreign Government can ever become national even in temper The only safety of this foreign Government is to make itself more and more representative of enlightened national sentiment when questions like this come before the House Personally speaking, I agree with Lala Lajpat Rai that the age should be raised to 18 (*An Honourable Member* . " 16 ") to 16, and 18 in the case of boys. The amendment is there. I read the other day somewhere—unfortunately I have lost the cutting—that the average height of the English girl during the last few yaers has grown from five to six feet. My Honourable friends opposite must have read this. I may admit that we do not see many specimens of that description up here in Simla. What I am stating appeared in public print, and I am surprised that the height of the English girl should have gone up so much

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during a few years, I think it is 6 feet, I am merely quoting from memory. (*An Honourabel Member* ; " 6 feet "). If that is so, surely the Englishman is aware that here the average height of Indian girls is about 4½ feet. We are here making a feeble attempt to raise it to 6 feet. Does he want to consider whether it is necessary for the benefit of the Indian girl that she should rise to that height by proper training and environment ? Is that what he wants to ascertain public opinion on ? And is he going to be frightened because certain men, certain orthodox men like my Honourable friend, Mr Belvi, are opposed to this healthy measure ? Will he be frightened by such men in his own country ? (*An Honourable Member* : " No.") No, because there he will judge the measure on its merits and tell his friends, like my Honourable friend, Mr. Belvi, " You are out of date, four generations behind time."

Mr. C. Duraiswamy Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) . Would you like to imprison girls who are under 5 feet ?

Mr M R. Jayakar . I do not know what my Honourable friend wants to know

Mr. C. Duraiswamy Aiyangar : If a girl does not grow above 5 feet, will you put her in prison ?

Mr. M. R. Jayakar . My Honourable friend has not followed the trend of my argument at all I say the measure is ultimately calculated to give the Indian girl greater strength and better health than she has now. If my Honourable friend was not able to follow my argument, I am very sorry for him I am sure the Government Benches see the point and agree with me Let Government on a matter of this description not issue any mandate at all. Let it leave every Englishman free to vote as he thinks. I am sure that in questions of this character the Englishman has a conscience. Don't warp it by any mandate. Let every Englishman be free to vote and I have no doubt that when he knows the real significance of this measure, he will not be opposed to a measure by which we are making an attempt that our girls should rise to the same height and strength as the girls in his own country

(Some Honourable Members moved that the question be put.)

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Rural) : Sir, I am very thankful to you for giving me an opportunity to reply in my feeble way to the arguments advanced by such stalwarts as my esteemed friends, Lala Lajpat Rai and Mr. Jayakar

Mr. K. Ahmed (Rajshahi Division . Muhammadan Rural) · Put high heels on your shoes

Mr. D. V. Belvi : Before I advance my arguments, I have to make a request through you, Sir, to my Honourable friend, Mr. Ahmed, who has no *locus standi* in the consideration of this question, who is not a Hindu in the first place, and who is ....

An Honourable Member : He is an Indian.

(At this stage there were several interruptions)

Mr. D. V. Belvi : Interruptions like these only show the unfitness of my Honourable friends to consider questions of this importance. I beg

to state that I yield to none in my zeal for social reform. I am a social reformer myself in my own way, and I beg to tell my Honourable friends who are posing here as social reformers, that I have got more daughters than one, and three of them were married after they had completed their 14th year. I am a believer in social reform, but I do not want to promote social reform through the medium of the Legislature.

Mr. B. Das : Why not ?

Mr. D. V. Belvi : My Honourable friend, Mr. Das, says that I should give him a reply as to why it should not be done. For the simple reason that we are a nation at different stages of civilisation. There are people of different castes, different creeds, who occupy different strata of education That is one reason Another reason is that this Bill strikes at the very root of the family law of the Hindus. Does the House understand the implications which are to be found in the bosom of this tiny Bill ? What is the notion of a Hindu as regards marriage ? Is marriage a sacrament, or is it only a contract among Hindus ? Is it a thing which can be set aside at pleasure ? Is that the notion of Hindus ? I do not care for those Hindus who have gone to England, and who have eaten beef and meat No doubt I have great respect for them, and for my Honourable friends, Lala Lajpat Rai and Mr Jayakar, who are highly educated and who have travelled much But we have to realise that the large bulk of the people of this country are orthodox We have to legislate for those people Some of my Honourable friends are making a good deal of noise here. It reminds me of what I read in my college days from one of the books of Edmund Burke. He says :

> " Because half a dozen grasshoppers under a fern make the field ring with their importunate chink, whilst thousands of great cattle, reposed beneath the shadow of the British oak, chew the end and are silent, pray do not imagine that those who make the noise are the only inhabitants of the field , that of course they are many in number , or that, after all, they are other than the little, shrivelled, meagre, hopping, though loud and troublesome insects of the hour "

My Honourable friend, Lala Lajpat Rai has told us that the Hindu law, rightly read, nowhere lays down the principle of early marriages. It is quite possible to find, after making a long research into our antiquities, authorities for the position which he has advanced here If I were a member of the Arya Samaj as my Honourable friend is, or a member of the Brahmo Samaj of which the founder was Raja Ram Mohun Roy, I would have very willingly agreed with my Honourable friend, Lala Lajpat Rai ; but unfortunately for me and the large mass of the people who happen to be still orthodox Hindus, it is not the laws that are laid down in the Vedas that we are following We must be taken as we are We have got a certain set of tenets, a certain set of beliefs and customs. These must be respected, and the laws which you frame here must be suited to those customs and beliefs. Those customs may be wrong in their origin, but after all, you cannot put them down in a moment. If you take only the pristine purity of the Vedic religion, all that is advocated by my Honourable friends, Lala Lajpat Rai, and Mr. Jayakar, may be true, but we have to take the large bulk of the Hindu population as it now stands. You cannot afford to wound their feelings. Their feelings may be wrong, their customs may be bad, but you cannot root them out all of a sudden. My Honourable friend, Mr. Jayakar waxed eloquent and said that if he and his friends were on the opposite benches, a piece of legislation like this would have been passed in ten

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minutes I may assure him that if he were to make a public declaration like that, he and his friends would be the last to be returned to the Legislative Assembly. (*Some Honourable Members* : " Oh ! ") I challenge you. If you go back to the country and contest the elections on this issue and get returned to the Assembly, I shall be the first to favour a piece of legislation like this. (*An Honourable Member* : " We will all come back.") You are always on the top note, talking in hyperbolic language, and you do not want to consider the feelings of the millions of people who are outside this House. We are told that the house is on fire. It is not on fire, but if you were to pass a piece of legislation like this, you would be setting the house on fire Do you know that there is a large magazine of gunpowder outside this Legislative Assembly, and do you mean to throw into it a lighted match ? You cannot do it with impunity. My Honourable friend says that enlightened public opinion is with Government. Are we to suppose that this enlightenment is confined to the four walls of this Legislative Assembly ? (*An Honourable Member* : " Question ") Are we to suppose that there are no people outside who can lay claim to enlightenment and whose opinions should be heeded ? Are we to suppose that there is a monopoly of enlightenment and intelligence centred in this Assembly ? I refuse to yield to any proposition of that kind.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) · It is the monopoly only of the front benches

Mr. D. V. Belvi : My Honourable friend, Mr. Jayakar, has twitted the Government with saying that it always does not choose to consult public opinion That charge is not infrequently true, but there are things and things When you interfere with the customs and the religious beliefs of a community, you are bound to be much more cautious than when you are dealing with a question of taxation or matters of that kind.

So far as the British Government is concerned, it is bound by a solemn document the Proclamation of 1858, and here for the benefit of my friends I will quote one passage from it. You know it but you very often forget it and it is better that your memories are refreshed It reads thus :

1 P.M.

" We do strictly charge and enjoin all those who may be in authority under us that they abstain from all interference with the religious beliefs or worship of our subjects on pain of our highest displeasure "

That is the charter that was granted to us by Her Gracious Majesty Queen Victoria in 1858. You are now here trying to legislate upon questions of social reform and you wish to make our marriages merely contracts. Make it a contract if you like which can endure only for a certain number of years. Let a man be married to a woman only for three months and let the marriage be dissolved. That is not the idea of a Hindu marriage. I know personally that in my part of the country social reform is going ahead by leaps and bounds I can give you the instance of a Brahman chief in my part of the country who married an educated lady of the age of 18. He married her openly and publicly. There are many of us who have celebrated the marriages of our daughters and our sisters after they completed their 16th year. My

friends here have no right to say that orthodox people should be coerced into accepting your view of social reform.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Why should you coerce the woman?

Mr. D. V. Belvi: If any woman is not willing to be married, she should not be coerced, but I do not want to have in India a good many maiden aunts.

Rai Sahib Harbilas Sarda: But you have thousands of child widows.

Mr. D. V. Belvi: I do not want to have a good many maiden aunts like Betsy Frotwood, a loveable character of whom we read in Dickens' David Copperfield. Our idea is that every Hindu girl must be married. That is a sacrament. My belief in the country. I occupy a particular part in any way they like on social matters.

I have very great pleasure in supporting the motion made by the Honourable the Home Member It is very rarely that I find myself in agreement with Members on the opposite benches, but there are occasions and occasions (*An Honourable Member*. "You are a Swarajist.") Yes, I am a Swarajist in my own way If Swaraj is granted, I shall be the last man to force on the people any measure against their will. Then, much was said about the abolition of *sati*. I really wonder why infanticide was not brought in But those matters are on a different footing altogether from the question which is on the legislative anvil. Marriage is not the same thing among Hindus as consummation They are two different things. Our idea of marriage is a religious sacrament. Marriage may take place but consummation may not take place for a number of years. Our idea is that when a boy is married to a girl or when a young man is married to a young woman the tie is indissoluble. It is only death that can part the couple Much was said about so many Hindu widows of a certain age. Mr President, I decline to go into this forest of figures which can be made to prove anything It is very easy to enter into a maze of figures but it is not so easy to emerge from those figures. What are the two or three lakhs of young widows in a population of 330 millions and what guarantee is there that a girl who is married on the completion of the 12th year will not be a widow the very next day? If there are widows, it is perfectly open to them to remarry a second time. Remarriage is allowed by custom and it is recognised by law. I am for remarriage but not for remarriage to be enforced by the Legislature My Honourable friends may as well make a law that every widow must be remarried. It is said that Hindu widows are suffering a good deal I do admit that there is a small number of Hindu widows who are extremely unfortunate and who suffer a great deal. But there are Hindu castes and castes Remarriage is allowed in 99 cases out of a 100 There is no appreciable grievance. Suppose a Hindu girl's husband dies unfortunately within a month of her marriage. It is perfectly open to her parents to give her again in marriage to a suitable bridegroom any time they like That is the usual custom It is only among Brahmins who are considered to be at the head of the Hindu castes that the idea of remarriage is not very will

Rai Sahib Harbilas Sarda : It applies to Vaisyas and others also, not to Brahmins only.

Mr. D. V. Belvi : My friend has corrected me and I accept his correction. If that is the position, even then it is only a drop in the bucket. (*Honourable Members* : " No.") I do assert it is. You have no right to say that, simply because you are overzealous to associate your name with this Bill which you desire to see translated to the Statute-book. I tell you this is not the way to promote social reform. How many of you have addressed meetings publicly on social questions ? From how many platforms have you tried to enlighten the public ? It is all very well to come here and introduce a Bill. I know my friend Lala Lajpat Rai stands on a different footing He is a reformer of the first water. He is a member of the Arya Samaj I hold him in great respect. If there were more men like Lala Lajpat Rai and Bhai Parmanand all over India, there would be no difficulty whatever, but unfortunately we cannot bring ourselves to be members of the Arya Samaj. Of course their principles are very salutary, very good, but the people cannot be persuaded to accept them and, so long as the people remain ignorant, so long as they are unwilling, you have to put up with them. Education in India is in a very backward condition. That is a trite proposition. There are not even ten people out of a hundred who can sign their names even in the vernacular. It is better to advance education than to force social reform on an unwilling public through legislation of this kind You will be doing better service if you promote education in the country Sir, I believe it is only right that this measure should be sent down for circulation among the people Let them know it. Let them study it Let them discuss it. Let them hold thousands of meetings to consider this measure and if you find that there is a considerable bulk of opinion in favour of this measure I shall be the first to say with my friend, Rai Sahib Harbilas Sarda, that this measure should be passed into law I am speaking in the name of the people. I am not personally opposed to the Bill, but I am only voicing the sentiments of the Hindu people who are very many in number and who are unfortunately not within the walls of this Legislative Assembly. I associate myself fully and heartily with the amendment which has been moved so eloquently by the Honourable the Home Member.

***U. Hla Tun Pru** (Burma : Non-European) : Sir, while I congratulate the leaders of the Hindu community on bringing forward this Bill, I must support the Honourable the Home Member in his motion for referring it to the country for more opinions. In the first place, this Bill is not sufficiently known in Burma, and secondly the term Hindu should not include all Buddhists. I find that Muhammadans have been left out of this Hindu Bill, and the Burmese Buddhists are likewise not governed by the Hindu law of India at all ; they are governed by the Burmese Buddhist law. That law has its origin in the institutes of Manu, but centuries have made it entirely different in spirit and they will strongly resent a set of laws which apply to Hindus being made applicable to Burmese Buddhists. Also there is a large community of Chinese Buddhists in Burma who are certainly not governed by the Hindu law. As a matter of fact also the Burman boy marries at the age of 24 and the

* Speech not corrected by the Honourable Member.

Burman girl at 16 years, and the law to a certain extent will be superfluous. The conditions which obtain in Burma do not hold in India and *vice versa*. I must therefore strongly urge that even if this Bill is referred to a Select Committee, neither the Burmese Buddhists nor the Chinese Buddhists should be included under the term " Buddhists ".

Mr. M. S. Aney (Berar Representative) : Sir, it pains me to rise on this occasion to express views which are somewhat at variance with those expressed by my friends Lala Lajpat Rai and Mr. Jayakar. I am at one with my friend the Honourable Mr. Sarda in wishing an early death to the pernicious custom, child marriage, which has undoubtedly been eating into the vitals of the Hindu society. The principal question which I want this House to consider is not one of a religious nature. Whether the religious significance of the question should be made much of or not is a point on which I do not want to enlarge at this stage. I want you to consider the question arising out of the Bill like practical politicians, like men whose vote is going to turn the Bill into a law and will consequently affect the destinies of those very people whose interests you are here to further and promote. What I find in this Bill is this. I say without hesitation that the Bill is entirely ill-conceived. The Bill is avowedly intended to render certain marriages invalid. Now you must certainly understand what that means. Marriages under certain ages are going to be declared invalid. Now what is a marriage ? If certain ceremonies prescribed by the Shastras are duly gone through, then those ceremonies confer the status of married life on the persons who have undergone those ceremonies. If by any law you are going to declare that status as null and void, are you not interfering with the religious beliefs and religious understanding of the people ? Are you going to tell them that the ceremony which has been sanctioned in the Shastras as calculated to confer a particular status upon the persons of a certain society has not got any religious significance ? Are we to accept your word as the word of persons who understand the Shastras and the scriptures ? My friends here have quoted this and quoted that. I do not want to fight over the question of the age. That is a different question. But when you here want to legislate that even when the ceremony under the Shastras has been gone through and that status which it is bound to confer has been conferred, it should be declared null and void by virtue of a Statute which you have passed here, it virtually means, Sir, that you are interfering with what has been considered by us as a sacred belief of religion. But leaving aside that question altogether, I am not going to take the Smritis and Srutis from those persons whose knowledge of religious works is no more than a mere smattering, and whose knowledge of those books is probably obtained through translations and commentaries in foreign languages. Those that have read those books in the original form themselves are in a position to understand and say what the position is. Notwithstanding the eloquent plea put forward by my friend Mr Jayakar, I beg to join issue with him and say that the essense of a particular socio-religious status consists in going through a particular ceremony prescribed by the Shastras. That is the meaning of the ceremony. As regards the age you are clearly on a different plane But if the ceremony is gone through, although you can punish the man who is responsible for it, you cannot take away the status which it confers without interfering with the essential features of the religious ceremony which is undoubtedly a part of the time-honoured religion. Leaving aside that question, I

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want to take a practical view of this matter. The practical question is this. Suppose you have married a girl under a particular age, and by virtue of this law the marriage is declared invalid. What is the position of that girl if this Bill is passed ? Under the law she is legally unmarried Are you prepared to say that the entire Hindu community outside is prepared to accept that status and give their boys in marriage to that girl ? If public opinion on that point is not ready what is going to be the fate of that girl ? Out of sympathy with so many child-widows, whose fate everybody in this House and elsewhere is bound to bemoan, you think that a measure of this nature is necessary. Unless you are satisfied that there is a strong public opinion which will regard the marriages of girls declared under this law to be invalid as really invalid, and with whom the other members of the Hindu community are prepared to enter into relations of marriage and so on—unless you are satisfied that that is the state of public opinion, I am afraid, it will be dangerous to make a law of this nature Probably you will unconsciously be creating a new kind of evil in the form of widowhood *de jure* in addition to the widowhood *de facto* which is already in existence. There will be husbands who under the law will not be married men. There will be wives who under the law will be un-married virgins Other people in the society or castes will however refuse to accept and treat these women as unmarried, and what will be their position, legal and moral ? Is it not best for you seriously to consider whether you should not first consult public opinion in the country, to see whether it is ready and ripe to accept legislation of this nature ? I believe that the Honourable the Home Member has properly realized the grave responsibility that lies upon him, as the representative of the Government of India in a matter of this nature and he is therefore perfectly justified in insisting on circulating this Bill. It is of no use to him or even the society concerned that the champions of the cause of social reform in this House, who ignore these obvious issues, to call upon the Government to rush through each and every measure which savours of the progressive principles of social reform. That is unfortunately the doctrine for which my leader has stood. He has expressed great impatience at the spirit of caution advocated by some Honourable Members along with the Government in this matter. But what I strongly desire to protest against is the indecent haste with which he urges this House to pass such measures, simply because the music of social reform rings in his ears and he seems to hear some faint echo of it in the Bill in question. He is too impatient to obtain the opinion of the multitude of his countrymen who are going to be affected by this measure. For these reasons, Sir, with great reluctance I have to oppose the motion for a Select Committee and support the motion of my Honourable friend Mr J. Crerar, with whom it is my good fortune to agree for once.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr President in the Chair.

Mr. S. Srinivasa Iyengar (Madras City : Non-Muhammadan Urban) : Mr. President, I wish to oppose the motion of the Honourable the Home

Member for circulation. I appreciate entirely the point of view of my Honourable friends, Mr. Belvi and Mr. Aney, in this matter, but I take a view intermediate between the purely rationalistic view and the orthodox view, for I hold that Hindu religion compels such a measure of legislation as this to be enacted. If I really felt that Hinduism was in danger if this Bill was enacted into law, undoubtedly I would join my friends. But on the other hand we know perfectly well—and I have had the good fortune not to be subject to the criticism of Mr. Aney, having some little acquaintance with the Smritis myself—that the criticism is not at all deserved that religion is in danger. That is a very ordinary cry, and Members of this House with all their responsibility must realize that the time has come for them to appreciate that there has been a very considerable change in Hindu opinion during the last two decades. Time was when as a budding social reformer I had to face a storm of opposition in my own province in connection with some varieties of social legislation ; but I find to-day, moving amidst people—and I claim to have as much acquaintance with the people of my own province as anyone else—and moving on the most intimate terms with orthodox members of the community, and with the masses of the population, I say with a full sense of responsibility that Indian opinion has very considerably changed in this matter. But there is opinion and opinion. If opinion is left to express itself then it expresses itself soundly, but there is such a thing as interference with opinion, and if you do propaganda, you can easily manufacture any opinion for one view or another. Except in political matters, where public opinion is crystallizing itself and hardening itself against the Government, in all matters which are purely economic, educational or social, opinion is in a fluid state. However, there is no doubt of the fact that the Bill is in many respects defective. While I congratulate the Honourable the Mover of the Bill on the courage and the public spirit with which he has moved this Bill and on the fervent appeal which he has made to this House, I cannot agree with him as to the two ages which he has fixed for boys and girls, myself being of opinion that no marriage of a girl should take place unless she was really of a marriageable age, and I cannot understand the distinction sought to be made between boys and girls. I think that the average age for puberty being thirteen in this country, one year after that is the proper minimum age for marriage ; and if I had my own way, I would certainly fix it at fourteen That is caution—not the caution of Sir Purshotamdas Thakurdas, who wants the circulation of this Bill and whose caution of course deserts him in other fields of life—but my caution undoubtedly is that fourteen is the proper minimum age for marriage I know, for instance that in many cases the assumption is made that in India child marriage is the rule They do not realize that child marriage is the exception All the speakers with the exception of Lala Lajpat Rai made that assumption, and he was the only one who pointed out that the great majority of marriages are not child marriages, and therefore it is absurd to suppose that the Hindu religion is against what is known as post-puberty marriages. The majority of orthodox people, the high-caste people, the Sellala Mudaliars and Pikais, the high-caste Naidus and even the high caste Brahmins on the Canara side and in various other parts of India, without the least fear of excommunication, of social or other ostracism, marry their girls after they attain their puberty and marriages do take place in other cases after fourteen or fifteen. We know perfectly well that Indian society is accommodating itself to the changing conditions,

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and to say that this little Bill which will only affect, of the huge millions of India, comparatively a minor section of the population, should be opposed in the name of orthodoxy is, I submit, a belated protest. Sir, I yield to none in my admiration for Hinduism. I am not an Arya Samajist but a Sanatanist, we must differentiate between a Vedic rule and a Smriti rule. We all know that Smritis contain really a mixture of morality, of religion, of legal rules, and they contain descriptions of states of society and of customs and practices at the time when they were made. That is really the case with all the Smritis, and it is not right to say that what is laid down in the Smritis is really part of the Hindu religion. If they were part of the Hindu religion, then no Smriti rule can be abrogated by man-made custom, but as every lawyer knows as my Honourable friend Mr. Belvi knows, my Honourable friend Mr. Aney knows and the orthodox men and the lawyers in all the courts know perfectly well, custom can be pleaded in favour of inter-marriages, in favour of post-puberty marriages, in favour of many other things which are *prima facie* prohibited in certain particular Smritis. Therefore, man-made custom can be abrogated by man-made legislation. That is why the Mimansa rule says clearly that it is only Vedic vidhi that is not capable of alteration by custom. When a rule is laid down in the Vedas, that is not capable of alteration by custom, and no amount of immemorial custom could abrogate that rule. But a Smriti rule is easily set aside, and therefore it is that I contend that it is not a question of religion at all, it is a question merely of usage and practice which has been in existence in certain communities, and this has not been observed by the whole of the Hindu society. Therefore, the fact that the majority of the orthodox Hindu society does not follow this custom of child marriage shows that the reform which my Honourable friend Mr. Harbilas Sarda seeks to effect to-day is a reform which is consistent with the genius of the purest and the highest type of Hinduism. I submit equally that the reform which he advocates is one which is enjoined in the most ancient Grihya Sutras and you will find there that the girl must be of a marriageable age, because they show that she must be one fit to enter into marital relations with a husband. Therefore it is not a question of Arya Samajists and Sanatanists, it is not purely from the point of view of rational social reform, but I say, speaking purely from the point of view of Sanatan Hinduism and what is the true Hindu religion, that this reform is a very much needed reform, and it does nothing but merely set aside a man-made custom, which, as Lala Lajpat Rai has so graphically described, is really due to political or economic causes. I myself have made some researches, and I consider that it is due to economic causes and causes due to disturbed states of society that this practice came into existence in mediæval and post-mediæval times. You go back to the Svayambara period, where there was no such practice. You turn to the Vedic period, where do you find this custom observed, or in the Puranic period? These are later customs, and we know perfectly well that in the Smritis, which [illegible] e been any number of amendments, [illegible] all these texts, think them to be of [illegible] whereas those who have had any experience know that these were just like amendments introduced by subsequent legislation, and we cannot say now even the date of these amendments in many of these Smritis. The Smritis do not enjoin child marriage

either except Parasara Smriti. To regard these law books as having religious value is to deny the capacity of this Legislature to amend Hindu law. We have allowed, for instance, in many matters of Hindu law our rights of inheritance to be seriously affected by legislation When you have given to the Legislature, foreign made and mixed as it is, the power to make laws, national or otherwise, when you have given the Legislature the power to abrogate the rules of the Hindu law of succession, the law relating to a son's liability for his father's debts and great varieties of laws which are of equal validity with the texts which deal with this question of reform, surely it cannot be said that these laws cannot be abrogated by this Legislature. Therefore I deprecate this idea that there is anything at the back of the minds of social reformers of these days—that they want to put down orthodoxy and somehow get this thing done On the other hand the nationalist of these days is one who wants to reconcile the changing conditions of society with Hinduism as far as possible and wants to take them both together ; and taking that view I contend this Bill does not require any circulation for opinion. What is the opinion of the country ? We are all men who have been returned as representatives of thousands and tens of thousands of people in various parts of the country.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran . Non-Muhammadan) But not on this issue

Mr. S. Srinivasa Iyengar : We have not been returned on any issue. As a matter of fact I do not know on what issue we have been returned. I say this that the idea that the opinion of our countrymen differs from ours in this matter is really a mistaken idea. The times do require that sometimes Members of this Legislature must create an opinion ; and in matters of this description the opinion must go down from the Legislature to the populace rather than from the populace to this Legislature. There are matters on which undoubtedly the opinion of the community at large must be consulted before legislation is undertaken ; but this is not a matter for opinion because admittedly the custom is against you and you want to change the custom , and if you ask the people, you will get wildly discordant opinions One set of people will say one thing and another set of people will say another thing , and what will be the assistance that the circulation for opinion will give to the Members of this Legislature I hardly know We will be no wiser after reading the volumes of opinions that may be gathered than we were before reading them Therefore, I think it is our duty to understand whether really we are hurting Hindu religion, whether we are really hurting Hindu society. I am not speaking merely of political interests I know perfectly well that the Hindu society has survived the shocks of centuries and numbers of innovations and numbers of religious and other conflicts , and I know the physical and moral and mental basis of Hindu society is sound , but I do believe in race improvement and I do believe in arresting any deterioration and I do say that eugenics and heredity require that, in the minority of cases in which the child marriage institution is still in existence it is necessary that we should set aside that custom and that we should boldly without flinching undertake this piece of legislation Only, I would deprecate laying down the minimum age at 12 for the girls—but that is a matter which should be gone into in Select Committee if the House agrees to that course I also associate myself with Lala Lajpat Rai and Mr Jayakar in thinking that reference

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to the Select Committee will be a good compromise because it will give sufficient time ; and as the Bill must necessarily come up to be discussed only at the Delhi Session of the Assembly it wil give sufficient time for those of our friends in the Assembly who feel that public opinion must be consulted But, as I said, in this matter there are those social reformers who think it is a principle with them that they must go in for this legislation , there are others who think that orthodoxy and religion are in danger. I take an intermediate view ; I do not think Hinduism is in danger if this Bill is passed any more than the Bill which enabled widows to remarry. It does not in the least interfere with the Hindu religion. As I said the Hindu religion has survived five hundred changes and this little Bill of Mr Har Bilas Sarda is not going to affect the Upanishadic interpretation of the universe ; it is not going to affect the Gita interpretation of Hinduism , it is not going to affect the Karma and Samsara doctrine , and coming to the popular type of Hinduism, I cannot understand how it is going to affect temples and other rituals. Therefore, Sir, this Bill seeks to affect nothing but a little custom which exists, a coustom which I think is quite out of date, which was forced on a former state of society when owing to war and disturbed conditions, owing to the love of the *pater familias* to dispose of his girl in marriage and to prevent her from giving herself in marriage, owing to a variety of other causes, this post-mediæval custom sprang into existence , and that is all that this humble little Bill seeks to remove. Therefore, Sir, I give my heartiest support to the general principle of the Bill, though I do not certainly agree with the age mentioned in it.

I would appeal, if I can appeal at all, to the Honourable the Home Member and to the Leader of the House, who is not here, that the official bloc should remain neutral That is the least they can do. They should give freedom to vote for their Members in this matter ; but if they do not give freedom to vote, at least they should remain neutral There is a great deal of force in the admirable speech my friend from Bombay, Mr Jayakar, made. I have often said that the Government stands in the way of social legislation , but I have grown wiser. Time was when I was a reckless social reformer. Now I have come to the conclusion that we must take the people with us and that it will not do by hasty legislation to force very much the pace of social reform But this particular matter is one upon which we all feel most strongly and I consider that the majority of the community is in full sympathy with it So there will not be any rebellion, there will not be any revolution , there will be no communal riots and you will not have to call in the police or military ; and I can assure the Honourable the Home Member that no question of law and disorder will arise and no question of putting the Criminal Law Amendment Act into force or anything of that kind I say therefore to this Government "Hands off Why do you interfere ?" When the non-official Members of this Assembly say that this is the only way in which it is possible for them to discuss this small Bill dealing with a very much needed reform in Hindu society, when they want to improve their race, they want to put down this tragedy of child marriage and to minimise the evil of child widowhood, when they want also to prevent the greater tragedy of child motherhood, when they want to prevent all this, why do you, who claim

to be very humanitarian, very rational in outlook and very up-to-date and progressive in ideas, why do you claim yourselves to be the custodians of Hinduism and the custodians of the sacrosanct usages of the dumb millions of India? Why do you claim that? We are there to take upon ourselves the full responsibility. If the Government does not want to take the responsibility it can remain neutral; it need not give freedom to vote, but it can remain neutral By remaining neutral they can acquit themselves of any responsibility; but by opposing this measure by this dilatory motion of circulation for opinion— for it is nothing but a dilatory motion I consider—they are certainly trying to interfere with the freedom which ought to exist among members of the Hindu society by their own majority to enact their own laws. I would also appeal to other Members of the House. I am not putting it as if it concerns Hindus only. Situated as this Assembly is, every one of us is entitled to vote and speak on all these matters; and I certainly think that matters touching Hindu society are matters which touch, if not to that extent, at least to a lesser extent, my Muslim friends and other European friends also. I do contend that it is not their duty at all to say that in the name of preserving the present customs and in the name of moving with that wondrous caution—a word which I have seen nowhere at all except in the transactions of this body—I say that the fact that we are told that the Government would oppose this Bill or support a dilatory motion of this character, tells me that Mr. Jayakar is perfectly right in saying that time and again this Government stands in the way of progress in Hindu society; and I would appeal to my orthodox friends in this House that even if I am mistaken there is no harm done. What after all do you do? What is it you do if you allow a girl to be married only after she is 12 years of age? Personally I would prefer 14; and I shall remain neutral if it is less than 14 It does not mean that the Bill proceeds on a wrong basis. What is the great danger? Let us realise that we who stand up for Hinduism have also a duty to see that Hinduism promotes the growth of a virile race of men and efficient race of girls who will become the mothers of a greater India I do believe, Sir, that the time has come for race improvement, and I honestly feel that this Bill does not interfere with the Hindu religion. With all the diffidence that I have got from the knowledge that able and conscientious men think otherwise, I have still the right to make to them the appeal to reconsider the position and not to think that religion is in danger by this Bill. On the other hand, religion will be strengthened by a race of grown up men and women and by allowing them a little freedom in the matter of marriage. It was the Svayambara period when religion was certainly not in danger. Are we to say that in the Vedic period religion was in danger? Sir, we all contend that the Vedas are the only revelation to us, and those who do not believe in them are Nastikas, and I would appeal to them on Vedic authority to support the Bill and not to rely on the Smriti texts which modern lawyers imagine are to be regarded as really part of religion. Smriti texts are no more important than Acharans or customs which can be set aside Manu Smriti says that the texts can be set aside when Parishads and learned persons find that the times do require a change, and Hinduism and Hindu society have progressed very considerably and have made deliberate changes in those customs which are not the framework of the Hindu society and which do not touch the fundamental tenets of Hinduism which are enshrined in the Upanishads, in

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the Gita and in other works. I would therefore most cordially support the Bill and oppose the motion that it be circulated for eliciting public opinion. I would once more beg my Honourable friend the Home Member, if he cannot accept the motion for taking this Bill into consideration, he should at least allow this motion to go to a Select Committee, where we can discuss this matter and come to a proper conclusion.

(Several Honourable Members moved that the question be put.)

Mr. M. Ruthnaswamy (Nominated : Indian Christians) : Sir, if I venture to take part in this debate, it is to repudiate the suggestion made by my Honourable friend Mr. Belvi in answer to an interruption of my esteemed friend Mr Kabeer-ud-Din Ahmed When he said that Muhammadans have no *locus standi* in this discussion, I suppose he included all who were not Hindus in that suggestion Sir, I want to repudiate that suggestion, because, as Members of the Legislative Assembly, whether we are Hindus, Muhammadans or Christians, officials or non-officials, we are bound to take an interest in whatever question is brought before this Assembly. Apart from that, Sir, whatever hurts a Hindu hurts a Muhammadan, hurts a Christian and hurts the country all along the line. The logical conclusion of Mr. Belvi's suggestion would be a sort of varient of the dog in the manger policy Because my home is beautiful ; I hope that the homes of other people are ugly Sir, no Indian who has an interest in the progress of this country can accept the suggestion of Mr. Belvi which, to say the last, is suicidal

Then, Sir, the suggestion that this Bill should be circulated for eliciting public opinion seems to rest on a misunderstanding that we are concerned with the promotion of social reform. Certainly when social reform is somewhat in advance of public opinion it may be necessary to consult public opinion so that we may have public opinion with us But to me, Sir, this Bill of my Honourable friend Rai Sahib Harbilas Sarda is not a Bill which aims at the promotion of social reform so much as at the obliteration of the ghastly social deformity which, as so many Hindu speakers who have preceded me have acknowledged, defaces the social system of this country. In order to penalise a crime, we do not suggest that opinions should be elicited, and I think it is a social crime that is sought to be removed by the Bill advocated by Mr. Harbilas Sarda (*An Honourable Member* : " Exactly so. ")

[illegible] e Home Member that [illegible] ereon, if he will allow [illegible] *Honourable Members* [illegible] No, no.) It reminds me, Sir, of a character in one of George Lloyd's novels—I think it was *Middlemarch*—who was a boy credited with a comprehensive knowledge of Latin. But when it came to translating any particular Latin passage into English, it dwindled into nothing We have heard of philanthropists who pose as friends of the human race, but when it came to helping their neighbour, it was quite a different story Now, the argument that this Bill should be referred to elicit public opinion smacks something of that character. Here is an opportunity for Government for improving the social system of a vast majority of the population of this country. There is an enlightened demand for it, and it seems to me, Sir, that Government, instead of

delaying the response to that demand, should encourage and meet that demand, because, Sir, as every one will acknowledge, whatever political reform we may be aiming at will be thwarted and delayed by these social abuses which are a blot on the social system of this country.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : I am sorry, Sir, I was not here this morning when some of my friends spoke on this subject. (*Several Honourable Members* : "Louder please") A public duty had taken me to another place, and so I lost the advantage of hearing their speeches. But I have heard some speeches this afternoon, and I am struck with amazement by some of the opinions which my esteemed friend, Mr. Srinivasa Iyengar, has given expression to. If there was a proposal not to consult public opinion on a matter of political importance which affected the people of this country, if there was a proposal to enact any law which affected the political opinions of the people without consulting public opinion, my friend, Mr. Srinivasa Iyengar, would have lashed his tongue much more vigorously than he has done to-day But in dealing with a matter which affects the socio-religious ideas of a vast majority of the people of this country he holds that the Bill should not be sent out for eliciting public opinion thereon and that legislation should be proceeded with straight off, regardless of the feelings of the people who will be affected by it. I submit, Sir, that the blame which has been laid upon the Honourable the Home Member that he had the temerity to propose that this Bill which affects vast numbers of His Majesty's subjects on a very tender point should be sent out, for eliciting public opinion, is most unjustified. Sir, I have great pleasure in supporting the motion made by the Honourable the Home Member. (Cheers from the Government Benches) (Mr Belvi at this stage whispered something to the Honourable the Pandit and some non-official members gave some decisive cheers) This is not the first time I have been cheered by my friends (*Some Honourable Members* "The cheers are for Mr Belvi ") I am grateful to Mr Belvi for trying to help me when there is so much need for help because the volume of opinion that has been expressed against the proposal of the Honourable the Home Member seems to be so overwhelming, so desperately overwhelming that I do need the support of every Member of this House in trying to bring the House to a sensible consideration of the task that lies before them Sir, what is the matter that we are dealing with ? My friends who are anxious to promote the physical well-being of the Hindu community are entitled to respect. They have not merely my sympathy, but my respect. Whether they are Hindus Mussalmans, Christians or any others, their wishes for the physical well-being of their fellow-countrymen are deserving of respect But let not zeal carry us beyond what is right and proper We desire social reform We desire a reform of the marriage law Let us proceed about it in the manner in which we should proceed in bringing forward a piece of legislation which will affect the lives and the happiness and the future existence of a large number of our fellow subjects I submit, Sir, that the object of the Bill which my friend Rai Sahib Harbilas Sarda has introduced here has my fullest sympathy. I have myself given notice of a Bill to effect somewhat the same object. But I do submit, Sir that the Bill of such an important character, it seeks to effect such a revolution in Hindu society—(*An Honourable Member* : "Does it seek to effect a revolution ?") Yes, it

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does, it will give such a shock to Hindu sentiment to a large extent in the country that I am surprised so many of my Honourable friends, sitting on this side, should, speaking as responsible men, urge that the Bill should not be circulated for opinion and that it should be sent straight off to a Select Committee. I am surprised at it. I wish, Sir, to point out that the object which my friend has in view will have the support of a large number of people. But the problem is of greater importance and delicacy than my friend has, in his laudable desire to prevent child marriages, thought. What does he propose ? He proposes that marriages of Hindu girls below the age of 12 years shall be invalid, subject to the qualification he has put in one of the clauses of his Bill. Does my friend imagine that the mere passing of a law in this Assembly will effect such a change in the ideas of vast masses of the people of this country that they will avoid such marriages all at once ? (*An Honourable Member* : "Yes.") I submit, no. I claim to know the country at least to the same extent as my friend does, and I think it is wrong to think that the mere passing of a law like this seeking to promote a reform in marriages will go down to the masses all at once and will be accepted by them all at once so as to avoid the evil results of the legislation which is proposed.

Mr. M. Ruthnaswamy : What about political reform ?

Pandit Madan Mohan Malaviya : I am not here, Sir, to instruct my friend on the question of political reform He must await some other opportunity for it. But I submit the question that is now before us is—whose fault will it be if parents marry two children of tender ages at 9 or 10 ? What fault is it of the boy or of the girl who has been married that their marriages which are indissoluble should be held to be invalid ? What consolation will it be to them that such a legislation as is proposed has been passed ? I submit that the proposal does require more serious consideration. It does require that it should go out to the public for opinion, and that those persons and bodies should consider this question who are entitled to speak and that those who are in a position to take an impartial view of it should be requested to help the Legislature by an expression of their opinion. It has been said, Sir, that the Government has often stood in the way of social legislation. I am sorry I cannot endorse that view. What is the social legislation that we are responsible for ? What is the measure of social reform that we ourselves have brought about ? Put on one side the reform that has been brought about by our earnest day to day work, and put on the other side the many pieces of social legislation which have been passed by the Government and which have affected or helped social reform. And secondly, it has been said, Sir, that the Members of the House on the other side, the Government Members, should abstain from voting to-day on the motion if they cannot support the measure. I hope they will not accept the advice easily. I hope they will weigh the responsibility which rests upon every member of the House, European, Mussalman, Christian, Hindu, every Member of the House, to think of how this legislation is going to affect our humble uneducated or largely uneducated masses of fellow subjects in the country If they feel that such a legislation should be passed without any reference to the country at large, if they feel that without asking for opinions, such opinions as are asked for on all legislation which is undertaken by this Assembly as a rule, that this is a special measure on which

no opinions should be elicited, that the opinions of those present here should be held to be sufficient to decide the matter, well they are at liberty of course to vote according to their judgment. But I do hope they will consider that this is a matter which does affect a very large number of our fellow subjects and that they will not yield to the appeal that has been made to them to abstain from voting on this motion as they think right.

Now, Sir, I wish to make it clear, I have said it already, but I wish to emphasise the fact that I am not less keen than my Honourable friend Rai Sahib Harbilas Sarda to see some legislation through which will put an end to the evils of marriages at very tender ages. These evils are well known and have been widely deplored. Though the age of marriage has been steadily though slowly rising in the higher classes of the community, the extent to which marriages still take place at too early ages is alarming, and I wish the House to consider the question not as affecting merely Hindus but also as affecting Mussalmans and Christians and Sikhs and Aryas and other sections of the population of this country. It is a question on which the legislation should be general and not confined to the Hindus, as I hope Honourable Members of this House will very soon be satisfied, when I have drawn their attention to a few facts. A statement prepared from the Census Report of 1921 shows that in that year there were 1,10,664 males and 2,18,463 females of ages up to five years, and 7,57,405 males and 20,16,687 females of ages between 5 and 10 years who were married ; that there were 23,44,006 males and 63,30,207 females of the ages of 10 to 15 years who were married ; that there were 40,77,400 males and 96,35,340 females of the ages of 15 to 20 years who were married.

Mr. President : Order, order. The Honourable Pandit was not here this morning. These figures have been repeatedly quoted in this House by the previous speakers.

Pandit Madan Mohan Malaviya : Thank you, Sir. These figures do not include widows. They show that the largest number of marriages take place between the years 15 and 20 and after that between the years 10 and 15 But it is clear from the figures that 8,68,089 males and 22,35,150 females, that is 31,03,239 children had been married at the ages of 10 years or earlier The number of children who were married before they commenced their 12th year is not separately given But the total number of children who were married between the ages of 10 and 15 years was 86,24,273 of whom 63,30,207 were females, and it may safely be assumed that at least one-fifth of these, that is more than 17,34,854, were children who had not entered upon their twelfth year, that is to say, roughly about 48 lakhs of children were married before they entered upon their twelfth year.

Now, Sir, that shows the great need of a Bill effectively to discourage marriages at such tender ages And to support the point that it is not merely Hindu children who suffer but that children of all classes suffer, I wish to draw the attention of the House to the number of married males and females in India below the age of 15 in the different communities and classes, as the Census Report of 1921 gives it. The total number of children, who were married, of all religions, below the age of one year was 15,625 Among these, Sir, there were Hindus, 5,995 males and 7,938 females ; Arya, 4 males and 5 females ; Sikh, 1

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male and 10 females ; Jain, 35 males and 51 females ; Buddhist, 1 male ; total Hindus, 13,940 , Christians, 55 males and 53 females, (i e., those married under one year), total 108 , Mussalmans 639 males, 935 females, total 1,574 ; *between the age of 1 and 2 years,* Hindus 5,665 males and 9,863 females , Arya 19 males, and 2 females ; Sikh 2 males and 1 female , Jain 40 males and 65 females , total Hindus 15,675 ; Christians 43 males and 55 females, (i e , 98 in all) ; Mussalmans 767 males and 1,386 females *Between the ages of 2 and 3 years,* Hindus 13,827 males and 26,726 females ; Arya 2 males and 16 females ; Sikh 26 males, 12 females , Jain 74 males and 156 females ; Buddhist 5 males and 5 females ; total Hindus 40,849 ; Christians 78 males and 167 females, total 245 ; Mussalmans 1,892 males and 4,410 females, total 6,302. Between the ages of 3 and 4 years— and so on Sir, I will put in the statement with your permission, because I want to save time. The total number of children, who are married, under the age of one year, is 15,625 , between the ages of 1 and 2, 17,909 ; between 2 and 3, 47,400 ; between 3 and 4, 87,799 , between 4 and 5, 1,53,950 ; between 5 to 10, 27,41,647. I submit, Sir, that this shows the great need of introducing a piece of legislation which will save children, not merely Hindu children but children of all classes of the Indian community from the evils of marriages at such tender ages. One of these evils is the large number of child widows we have in this country I have got a statement before me giving the number of widows below the age of 15 It is distressing to find that there were widows under the age of one year, not merely among Hindus but also in other communities There were 612 widows among the Hindus under the age of one year, 127 among Mussalmans, 5 among Christians. . ....

Mr. President : Order, order We are not concerned now with Mussalmans and Christians. The Bill before us exclusively applies to Hindus.

Pandit Madan Mohan Malaviya : Yes, Sir. That is one of my objections to the Bill, that the Bill should not apply exclusively to Hindus ; that while there is need for a measure which will protect the children of all communities, of all religions, the Bill seeks to protect children of Hindus only. That is one of my objections to the Bill (*An Honourable Member* "You are not concerned with them.") I thought only a while ago an appeal was made to every Member to take an interest in the Bill, and that every Member was asked to feel a concern in the interest of our children I am as much concerned to protect my Mussalman sisters and daughters as my Hindu sisters and daughters (Applause.)

Mr. K. Ahmed : Speak on your Bill when it comes on

Pandit Madan Mohan Malaviya : I have reminded you that you have widows under one year—612 Hindus, 127 Mussalmans and 5 Christians , bewteen 1 and 2 years, 498 Hindus, 84 Mussalmans and 7 Christians ; between 2 and 3 years . .....

Mr. President ; The Honourable the Pandit persists in quoting figures about other communities I have already pointed out that this Bill applies exclusively to Hindus

Pandit Madan Mohan Malaviya : With great respect, Sir, I submit that I am perfectly entitled to put the facts and arguments, which I am putting forward, before the House in order to ask the House not to accept the motion that the Bill be referred to a Select Committee but decide that it should be circulated for opinion so that the opinions I am expressing might find expression elsewhere too. That is the reason why I am putting these facts before the House, Sir, and I submit that it is essential for my part of the argument to show that it is not only Hindu children who are affected, but that children of the Mussalman community, the Christian community and the Sikh community are also affected, and that therefore. ......

Mr. President : Does the Honourable Pandit realise that nothing he can do or say could extend the scope of this Bill ?

Pandit Madan Mohan Malaviya : I submit, Sir, I am more hopeful than you seem to think I should be, that when I have brought these facts to the notice of my Mussalman friends and my Christian friends, and through them of the country, they will ask for a Bill which will protect children of all communities That is my object.

Mr President : We are not concerned with any other Bill that might in future come up. We are concerned at present with the Bill that we have before the House

Lala Lajpat Rai : There is no use circulating then Reject it if you please.

Mr. M. R. Jayakar : How will circulation cure this defect ?

Pandit Madan Mohan Malaviya : I have said enough, Sir, to show that this Bill needs amplification and an extension of its scope in order to meet the situation in the country What I wish to point out now is the objection to the Bill being sent to the Select Committee without eliciting opinions I have already drawn attention to the fact that it seeks to make marriages invalid I submit, Sir, this is a very strong measure to adopt when the Government and the educated people of this country have allowed early marriage to take place as they have taken place for generations, when they have not up to this time taken sufficient steps to educate public opinion on the evils of early marriages (*An Honourable Member* "We have done enough") You have not done enough. I say it deliberately

Lala Lajpat Rai : We have been doing that for over 100 years

Pandit Madan Mohan Malaviya : I know what we have done, Sir. It is no good telling me that I do not know what we have done. We have delivered speeches, we have published pamphlets , we have passed resolutions, but we have not gone from house to house to bring the evils of early marriages home to the people at large We have not carried on such an agitation We have not carried on even such an agitation as the temperance people are carrying on in some places against drink We have not carried on an agitation commensurate with the enormity of this evil, and we are not entitled to claim that we have done all that we could What I submit is that it is wrong to the community at large, when the Government of the country and the educated men of the country have allowed the custom of early marriages to go to the extent they have allowed it to go, that

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they should, all of a sudden, decide to introduce a law which makes early marriages among Hindus invalid. I entirely endorse the view which my friend Mr. Aney has expressed on this question. It is not a small matter, it is not a matter of small consequence to the Hindus that a marriage should be declared invalid. The consequences have been so well described by Mr. Aney that I do not wish to take up the time of the House by dwelling on them again. But I say that if my friends in their zeal for the good of the Hindu community are carried away to-day to urge that the Bill should be referred to the Select Committee without being circulated for opinion, if they go and meet popular audiences, they would find their position untenable. (*Mr. M. R. Jayakar* : " Question.") Until the matter is put to the test, you can well question what I say. But I speak not with disrespect. I do not mean any disrespect to any of my friends. But I submit that the proposal that marriages among Hindus should be made invalid by a piece of legislation without its being referred to the public for an expression of their opinion, would not find support on any platform on which the Hindus are properly represented. I therefore submit that the motion of the Honourable the Home Member should be accepted by this House. No harm will be done by a little delay that must be necessarily involved in doing so. We want to put on the Statute-book a piece of legislation which will commend itself to the general body of thoughtful people in this country. I feel that if the Bill is circulated for opinion there will be some opposition undoubtedly to the age that has been proposed. Some will ask that the age should be lowered by a year, and others may ask that the age should be increased by a year or even two. But I submit it is likely that, when the facts are put before the public properly, there will be a general agreement that in view of the calamitous state of things which exists at present, under which lakhs of our children are subjected to the disadvantages and evils of marriage, at too tender an age—when these facts are properly presented to the people, I expect that there will be a very large measure of general support to the object of the Bill I submit that the great point to be considered is whether at this stage the right thing is to make marriages below a certain age invalid, or whether we should proceed in a less drastic fashion. I recognise that we have to introduce some penalty in order to prevent marriages below a certain age. There have been different suggestions put forward. In the Mysore State there is a law under which imprisonment is inflicted upon those who take part in marriages below the age which has been prescribed in it. My friend Mr. Ranglal Jajodia sought to carry a Bill in this House in which he also urged that a violation of the law should be punished with imprisonment. The provision he suggested was that no Hindu boy should marry until the age of 16 years and the male guardian of a Hindu boy marrying below the age of 16 or who may arrange or take part in such marriage shall, on conviction by a court of competent jurisdiction, be punished with simple imprisonment which may extend to 12 months or with fine not exceeding Rs 1,000 or both ; but he had the good sense to provide that :

" Nothing herein contained shall invalidate any marriage which is otherwise valid under the law by which the boy is governed."

That was Mr. Ranglal Jajodia's Bill who was a Member of the last Assembly.

There is another proposal, and that is, whether our object should be at this stage more to educate public opinion on the subject than to severely punish those who carry out or celebrate marriages below a certain age. In view of the fact, which is indisputable, that the Government and the educated prominent men of the Hindu community and other communities have not yet put in their proper share of work to educate the general public on the evils of early marriages, I submit......

Lala Lajpat Rai : I deny that charge.

Pandit Madan Mohan Malaviya : But I am sorry I have to make it—I ask whether in view of the fact that the Government and the men of light and leading in this country have not either separately or together made an effort commensurate with the enormity of the evil of early marriages, we should not proceed by adopting less drastic methods, whether in the first instance not only should marriages not be declared invalid, but whether in the first instance even imprisonment should not be avoided, and whether we should not be content for some years at least with inflicting merely a fine where a marriage takes place below the age which is prescribed by law. If this proposal should commend itself to the public and to this House, I would suggest the substitution of one simple clause in place of clauses 4 to 6, like this :

"[illegible] extend from Rs. 50 to Rs. 1,000 ".

Now, Sir, I am fully aware that this will be regarded by some of my friends here as a very mild measure, but I have been taught to believe that the mild dose is sometimes the strongest in its effect. I submit that a piece of legislation like this will be of very great educative value It provides for a fine of Rs. 50 in the case of the humble man, and I wish to inform the House that our humblest fellow-subjects or the so-called depressed classes are the largest victims to this evil of early marriages I wish to provide for their case. It will take some time to educate them about the law, and every effort should be made to educate them and the general public and to enlist the support of the various communal societies to affect the reform as early as practicable. There should be a propaganda throughout the country to proclaim the new law in order that people may support it, and I venture to think that if they know that cases of the violation of the law shall be punished with fine, they are likely to accept it and support it. Such a law will be of great educative value and it will not upset the people very much and it will largely effect its object I suggest this for the consideration of Members of this House I know that my Honourable friends who are oppressed by a thought of the evils resulting from early marriages will perhaps think that my proposal is of too mild a character. I ask them to consider it in the light of the arguments which I have presented and to consider it from the point of view of moving forward one step and a large step I am most anxious—no words can express the anxiety that I feel—to prevent marriages of girls who have not yet completed even their eleventh year I suggest eleven years not because I like the girls to be married at that age The Hindu law does not enjoin that marriages should take place at a very tender age Manu, the greatest of our law-givers, laid it down that a man of 30 years ought to marry a girl

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of 12 years, and I want that the marriageable age should be raised to 12 years, not as the latest age of the marriage of a girl, but as a great advance, an enormous advance upon the position that exists to-day. But I wish that that advance should be attained in such a manner that it will be acceptable to the people. In the medical works of Hindus it is laid down that until a young man has attained the age of 25 and a girl of 16 . .. (*An Honourable Member*: "You are not correct.") I am absolutely correct—they should not live together as husband and wife. What I have quoted from Manu is also unquestionable. What Manu laid down with reference to the marriages of girls of 12 years, was not that they must be married at the age of 12, but that they should not be married until they attained the age of 12 And *Sushruta*, our great medical writer, prescribed that the age at which a young man and a young woman should begin to live as husband and wife should be 25 for a young man and 16 for a girl. Bagbhatta, who is another great medical authority among us, laid it down that until a girl has completed the age of 16 years and a young man the age of 20 years, they should not begin to live as husband and wife I wish that the age of consummation of marriage should be raised even when marriages take place at an earlier age I submit therefore that it will be a great gain to humanity, and a great piece of good service to the whole of India, if we can prevent marriages by law until the girl has completed the age of 11 years and until a young man has completed the age of 18 years.

For these reasons, Sir, in order that the matter should be fully investigated and examined in all its aspects and in order that we should be able to think calmly and dispassionately as to what will be acceptable to the community as a whole and what will make for the good of the community as a whole, I strongly support the motion that the Bill be circulated for opinion.

Munshi Iswar Saran (Lucknow Division : Non-Muhammadan Rural) Sir, it is only a strong sense of duty that makes me differ from one whom, in all truth and sincerity, I hold in the greatest veneration, one whose life is worthy of all respect and admiration. The speech of the last Honourable speaker has not come to me as a surprise. I know his views on the subject He wishes that when you introduce any social reform, the reform should be such as to be acceptable to the vast majority of your countrymen and countrywomen I say with great respect that when you come across a case like this, where according to the figures which have been quoted children under one year of age are being married, it does not matter at all whether the reform proposed is acceptable or not. It becomes the positive duty of those who call themselves their leaders—the leaders are really the servants of the people—and the Government to tell the people, if they oppose "You are talking nonsense. We will not allow you to ruin yourselves." Sir, I submit that the Hindu race is dying and one of the causes responsible for our slow decay is early marriage. (*Lieut.-Colonel H. A. J. Gidney*: "You are quite right ") Sir, it will be the sheerest impertinence on my part to offer any observations on Shastric rules in opposition to Pandit Madan Mohan Malaviya, but I shall say one thing quite clearly. I do not care at all what the Shastras say ; if the Shastras come into conflict with the natural laws of God, the Shastras must go.

I do not wish to say one word on this subject which may hurt anybody, in spite of the fact that I have committed the sin of having gone to Europe twice. Here is Pandit Madan Mohan Malaviya, one of the most orthodox men in the country He approves of the principle of the Bill and here we have two excited friends, one the Secretary of my Party and the other a prominent member of the Swaraj Party. They have got terribly excited. They abused right and left. They brandish their hands and I felt secure here because I was at a distance from them. Here is Pandit Madan Mohan Malaviya who deplores the present condition. (Here Mr. Aney made a remark which was inaudible.) He said, "Educate public opinion" Suppose you accept the motion of the Honourable the Home Member, how will you educate public opinion? Will the Honourable the Home Member undertake to go from house to house as Pandit Madan Mohan Malaviya said and speak to men and women? Will he exhort the people and say "Please see the dangers, please see what harm you are doing to your own children, please become sensible and accept this Bill" What will happen? In a few months you will have the views of the various Local Governments and the various public bodies Where, I ask Panditji in all humility, is the question of educating public opinion? The question of educating public opinion will come if this Bill is passed Let the Bill be passed and let all of us under the inspiring leadership of Pandit Madan Mohan Malaviya go about and explain to the people and tell them that it is in their interest and it is for their good that this measure has been adopted. You can then tell them, "Please accept it and follow the lead that has been given by the Legislative Assembly."

Then there is another point I want to make. Let me say quite frankly that there will be very great opposition to this measure and it is inevitable. Now, if every party was convinced that a girl under 12 or 14 should not be married, there would be no such marriage and there would be no necessity for legislation to prevent it I submit with all respect that unfortunately in this country you will find a large number of people who will be up in arms, as indeed they are up in arms against any measure of social reform Certain societies even to-day are passing resolutions against widow marriage The Act legalising widow marriage is on the Statute-book I submit that we shall have to take our courage in both hands We shall have to go into Select Committee and discuss all the various provisions that are incorporated in this Bill. It may be that we may have to make very drastic changes Let us make those changes, but, when the case has been proved to the hilt that the present practice is ruinous, is making our condition hopelessly and desperately pitiable, I submit it is time that we proceed with this legislation. I submit there are no points involved which require elucidation. Sir, in the year 1927, to ask public opinion whether a girl of 12 or 13 should be married or a boy of 14 or 15 should be married! You might as well ask whether a girl of 12 or 14 should have a drop of water to drink or a crump of bread to eat We know the harm that the practice has done We know the havoc it has created What are we to-day? We are feeble and weak not morally but certainly physically, because of this early marriage You have to grapple with this problem in right earnest There is one word more which I want to say. (Here an Honourable Member made an interruption.) If you interrupt me, please do so in the proper fashion I submit that the motion moved by the

[Munshi Iswar Saran.]

Kumar Sahib can be made to serve both ends Surely the Committee will not meet to-morrow and finish its labours before this Session is over. It will meet in the Delhi Session. In the meantime all discussions can take place. It will be open to the various representative bodies to submit their opinions, either to the Legislative Department or to the Home Department. I do not know the technicalities, but in the meantime it is open to the Home Member to write to various organizations and various Governments inviting their opinion and fixing a date by which those opinions should be submitted to Government. Let all those opinions be collected and in the meantime let all those that are inclined to carry on propaganda carry it on ; then let us get together and be done with this question once for all. There is one thing I shall say—and I have already submitted that I shall say nothing in anger—I shall beg my Honourable friends not to use expressions which they do not really believe in. Marriage is a sacrament. May I pause here, Sir, and say—I hope the House will forgive this personal reference—I do not yield to anybody in this House in my love and attachment to Hinduism. But my Hinduism does not represent a system which is an obstacle to progress. My Hinduism instead of being a hindrance is an inspiration for me to get along. I do myself feel that the marriage tie according to the Hindu religion is a sacrament. I should be very sorry if it was looked upon as a contract. A sacrament, yes. But I ask you to remember that a child of one is brought forward and is married to another child of two, and you say that is a sacrament. Do they understand what they are going through ? I know that sometimes the child is asleep ; it cannot be kept awake because it is brought along and married at 2 o'clock in the morning. And you call it a sacrament. You do not really believe that. Hindu society is living to-day because it has been undergoing changes with the changing times. Hindu society would have been dead long ago if it were so narrow, so hidebound, so illiberal as some of my Honourable friends represent it to be Take all the old original rules of Hindu society. I should feel very happy if all the Brahmins would get out of my profession. All the Kshattriyas and Vaisyas would be very happy because there would be no competition with Brahmins and others who now invade their professions. Let us look facts in the face.

It is a most terrible question which we are considering to-day. I beg you most earnestly, to realise its gravity. I beg you not to make it a sort of party question. Even if I knew that I might not be elected next time for this speech of mine, still I should every time make this speech and not come back to this Assembly. One Honourable Member has said that if Mr. Jayakar had made a declaration to this effect, he would never have been returned May I say that Lala Lajpat Rai is notorious throughout India for being a social reformer, and still at the last general election he carried an amount of influence which I know to my own advantage, for he helped me and I got in. Please let me assure the House that our people are not so narrow as we imagine them to be. I have gone about and talked on this question Many a man has come to me and said, " What you say is right, but the difficulty is about *ex*-communication " ; or " I quite see it, but if I do it, my uncle will get very angry." No one trots out the theory of a sacrament unless it be some educated man with a felt cap and with glasses. He has not the courage

to accept the reform, and he says, " You forget that Herbert Spencer has said somewhere that reform should not be violent. It should be in keeping with the general feeling of the people " And I have told him, " Please let Herbert Spencer alone Let us get into grips with live issues."

Pandit Madan Mohan Malaviya very rightly said, if I may be permitted to say so, that in this question, not only Hindus, but Muhammadans, Christians and Europeans are all interested. I was surprised to hear it said that a Muhammadan has no *locus standi* in this matter. What I said jokingly, I hope, will be true one day. Suppose we had a Swaraj Government with Mr. Jinnah as our Prime Minister. And if this question came up, would my friends go up and say, " Now, Mr. Jinnah, you are Prime Minister, but being a Muhammadan you have nothing to do with it." I hope my friends will notice that Pandit Madan Mohan Malaviya has said that it is the duty of everybody here to take up this question and see that we come to a right solution. May I say a word to Government Members ? Many of you say, " Oh, you are educated people, the intelligentsia We move in the districts, we go about camping ; we are in touch with the masses ",—whom you are pleased to call the dumb millions—" we are their friends ; we look after them and their interests , it is we who can be expected to do something for them ". Then here is the chance Do it now The educated people have already given up the practice. I can assure you I am not going to marry my girl at the age of 12. It is the ignorant man in the villages who sticks to this practice, who is one of the dumb millions, dumb millions being in inverted commas. Will you help him now ? If you are his friend, help him now This measure will benefit those people more than it will benefit the hated intelligentsia

Mr. A. H. Ghuznavi (Dacca Division · Muhammadan Rural) : I will not detain the House more than one or two minutes, but my two minutes will be unlike my Honourable friend, Munshi Iswar Saran's " one word " which ended in a speech extending over nearly half an hour. Sir, I want to associate myself entirely with my Honourable friend Pandit Madan Mohan Malaviya. He has given us a graphic description of the whole position, and I support the Honourable the Home Member in the motion for circulating this Bill. I do so on principle I believe that no Bill should be introduced without its being circulated, and a Select Committee should not rush on with a Bill without eliciting public opinion. It is not fair that any Bill should be so rushed through. There is a considerable feeling amongst the Hindu community—I am told by my friend Mr. Ahmed that a Mussalman has no right to say anything about this Bill—I say that there is a considerable feeling amongst the orthodox Hindus, particularly in Bengal, and the Pandits of *Navadweps* there should have their say in this matter After all, what does circulation mean ? The Select Committee cannot sit before the next Session at Delhi, that is 5 months hence. Why cannot you circulate the Bill now and elicit all views throughout India and get them ready for the Committee to consider ? In asking for that I do not think the Honourable the Home Member has asked for anything more than what the House ought reasonably to agree to With these words, I beg to support the Honourable the Home Member's motion

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) · Sir, I thank you and I thank my colleagues here for their cheering. I take it they do recognize, that humble as I am, yet on

[Mr. M. K. Acharya.]

this question where the orthodox man has been so much maligned I have probably got something to say which they may with advantage hear. Sir, I wish to be very brief. (Hear, hear.) I am aware that I do not possess and cannot emulate the rhetorical flourishes of either Mr. Jayakar or Munshi Iswar Saran or the vehement indignation of Mr. Belvi; and yet some of the sweeping assertions made by them call for a reply. Sir, when I hear words like these, "can the laws of God be over-ridden by man-made law" and so on, I am puzzled, Sir I doubt if there is any one here who claims to have seen God or to have heard from Him His Laws; if so, I should certainly throw away all my sacred texts including the Vedas and sit at the feet of any Lala or Munshi who has seen God and learn humbly from him God's law. Therefore such empty platitudes will not do in a case like this And yet, Sir, to-day my soul also is among the prophets, and my humble orthodox self proposes to be for a little while among—I am afraid to use the word—among the reformers, to a little extent at any rate, because, Sir—and I wish to speak in a very matter of fact way—I recognize that the measure before us is one which is of very great national importance. I am not going to admit, because I do not believe, that the marriage system obtaining among Hindus has been the most baneful, the most pernicious system Sir, I claim to have studied the Hindu system, to have read the history of other systems also, as far as was possible to my limited intelligence; and comparing other ideals with the marriage ideals of the Hindu, I am here bold enough to assert that no other community either in the past or at present has or can put forth an ideal which recognizes and teaches the girl the highest ideal of womanhood, and trains her from her childhood to suck it along with her mother's milk almost; that teaches the girl to think and say: "*Rajâ vâ rajya hinô vâ yê mê bharthâ sa mê prabhuh*"—"Prince or beggar, he, that is my wedded lord, is my god". Nowhere else has any such ideal been taught as part of a girl's every day religion Indeed, Sir, with all the defects mentioned, it has been possible for India to this day to produce so many—, I believe they are not one, two or three thousands but as many millions—of my sisters and my daughters, living to this day up to the highest ideal of womanhood! (Inaudible interruptions). Yes Here marriage is not a matter that is to be settled after the ecstasies of the ball-room or the ethics of the divorce court, but has to be settled as a sacred function (*Mr. T. C. Goswami*: "In the marriage market.") I am very sorry that here is a brother of mine claiming to be born a Hindu who thinks like that; I fear within his Hindu body lives a European soul; I am sorry for him, but I am not going to be offended He is doing an injustice to his own sisters and mothers. Sir, the marriage market exists everywhere; where does it not exist? This world everywhere is very very imperfect; and therefore, comparatively speaking, where is the society, where is the community where marriage does not take place with a pecuniary element in the background, nay in the foreground? But there is much less profiteering here, very much less; because our girls may not later on say as those married under a contract: "I was given a false notion of his wealth and position and was misled into marrying him, and therefore now want a divorce". There is no such thing here However, we are dealing now with child marriages and not with marriage markets. Sir, the whole point is this. It has been very well admitted even by my esteemed friend, Pandit Madan Mohan Malaviya, that unfortunately child-marriage is too often the case.

Although in my own part of the country I do not believe that a child of over two years is married—I am not aware of that—yet it has come to our notice; and these things are very sad records. I agree with the last speaker, that these early marriages ought to be prohibited, and I do not believe that orthodox Hindu opinion, that regards marriage as a sacrament, that regards the bond of wedlock not only as of the bodies of the two together but as of the two souls, will seriously object or will at all object to any law that says that marriage before a certain minimum age will be regarded as null and void.

Mr. T. Prakasam (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) : Is it a marriage before the age of one ?

Mr. M. K. Acharya I say Hindu orthodox opinion will not object to our legislating that marriages before a certain minimum age—my own opinion is that it must be ten at the present day—is against the *Shastras*, and so null and void. Therefore I think that, though Pandit Madan Mohan Malaviya is very right in the view he has advanced, that we must take our people with us, nevertheless this question has been agitating the minds of many men, and I believe our women have been talking about it also more than ourselves I have had, Sir, many a talk with my good old woman at home (Loud Laughter), and I do believe that the opinion of my sisters is quite in favour, as far as I have enquired, of such a kind of legislation, and that is why I have ventured on this occasion to go so far as to support this Bill warmly Some of my proposed amendments indeed to this Bill go in one respect farther than Rai Sahib Harbilas Sarda's draft ; I think that marriage should not be, generally speaking, among the bulk of the Hindus, celebrated before fourteen ; provided however that a Hindu girl of not less than ten years should be allowed to be betrothed according to the tenets of her religion or sect Sir, the whole trouble is a trouble of words ; because as soon as the word " marriage " is uttered, to a non-Hindu the impression is conveyed that the boy and girl would be living together as man and wife , it is not so in Hindu society. Among us, this betrothal is the real sacrament ...

Mr. M. A Jinnah (Bombay City . Muhammadan Urban) . May I ask the Honourable Member if marriage is sacred to the wife or to the husband ? I am only seeking information.

(*An Honourable Member* · " To the husband.")

Mr. M. K. Acharya The truly ignorant can certainly be educated, but the seemingly wise cannot be It however my friend really wants the information, he can have it the Hindu ideal is that the man and wife become one indissoluble unity and there is no husband apart from the wife, nor wife apart from the husband. (Some inaudible interruptions). I refuse to give way to these interruptions, they are not the points before the House. Now, to the best of my knowledge, orthodox Hindu opinion is against the unorthodox and irreligious manner in which baby girls are given away in marriage, and therefore legislation for making marriages below a certain age invalid will, I think, be acceptable to my orthodox community. There will be some difficulty, I recognize, in the case of certain sections in Northern India, particularly where it has become a bad custom to celebrate very early marriages. There may be some difficulty in these people adjusting themselves to the new law, but that cannot be helped. There will always be some little trouble in enforcing a new law, but I hope that they will soon

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[Mr. M. K. Acharya.]

come into line with the legislation we are making. That, Sir, is the whole purpose of the legislation before the House, as I understand it. For the rest, I think we ought to leave out all these comparisons of ideals and customs as beside the point The tears of the widow certainly are very tragic; but they are not more tragic than the sighs of the unmarried; and if in India there are so many widows resigned to their lot, in other countries there are so many restless maids running, panting, hankering after husbands and not succeeding in catching any. Which is the greater social evil ? We are not here to set the world aright. As Swami Vivekananda well said, if [illegible] the neck, if you drive it fro[illegible]ve it from the loins it goes to [illegible] evil there is and there will always be; we cannot help it; we are not God. God himself has created this world as a mixture of good and evil; and it is impossible to eliminate all the evils in society, no matter what amount of rhetoric my friends over there may indulge in We can only correct some of our own mistakes. Therefore, I am supporting the general principle of this Bill. Of course the Bill is not very satisfactory as it is drawn; and my difficulty in agreeing to send it for circulation is this: that I fear people would not approve of the Bill as it is I do not, in the first place, like the magistrate being brought in here; and I do not think that the age of 12 is a proper one to be applied to all communities. The Bill, as it is, is not likely to elicit a very favourable public opinion—that is my fear. Probably with some of the amendments which have been suggested the Bill may receive very much more favourable comment from many people than the Bill as it is drawn Therefore, Sir, as somebody has suggested, I would like to know if the Government will not kindly undertake to circulate the Bill for opinion, while the Select Committee is being appointed The Committee is not going to meet for the next five months Government have obliged Sir Hari Singh Gour and circulated his very objectionable Bill for opinion even before the Bill came up here. I may say that this is a Bill on which we are all much keener than on Sir Hari Singh Gour's Bill. So, if the Government will kindly meet the wishes of the House, and circulate the Bill for opinion, and if meantime the Select Committee is also appointed, we may be able to put our heads together, and in the next five months I hope we shall be able to obtain the intelligent co-operation of all sections of the Hindu community, so that we may be able to pass this measure as early as possible. I have been here these four years, and Pandit Madan Mohan Malaviya knows probably more than I do, that it is very difficult to get a non-official Bill passed and put on the Statute-book. It has to pass through our House and then to go through the other House, and then there are the gods above! And all these stages cannot be got through within the life-time of this Assembly unless we hurry up. Therefore let this be said to the credit of Pandit Madan Mohan Malaviya, that before he becomes too old to come into this House again—that this measure has been placed on the Statute-book with his co-operation and with the co-operation of all the others who feel like him As an orthodox Hindu, I do say that there is nothing in this Bill which can be said to be against the *Shastras*, which can be said to be against the orthodox opinion rightly interpreted. I do not wish to go into all those questions about the Vedic texts and the

Upanishadic and the Smritic texts and all that If I do, you, Sir, will come down upon me for having taken up so much time. Even if I had seven days given to me I could go on lecturing about the subject if my friends had the patience to listen ; but I shall not do so because it will not be relevant, that is the unfortunate thing about it. For the reasons I have advanced, Sir, I support my friend, Kumar Ganganand Sinha's motion that the Bill be referred to a Select Committee , and I would ask the Government to help us by circulating this and getting the opinion of those who are qualified to give an opinion ; and I would lastly earnestly appeal to my friends, the reformers, not to be so very sure that they alone or always are sane.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I do not agree with the remarks which have fallen from the lips of one Honourable Member of this House that because this Bill relates only to Hindus, therefore Muslims have no *locus standi* in the matter. Sir, I believe that a measure which relates to the well-being of the bulk of the population of this country relates to the Muslims as well as to the Hindus. The late Sir Syed Ahmed always used to say that India was a beautiful bride and that Hindus and Muslims were her two eyes and if one eye of the bride was disfigured her face would be spoiled and disfigured So the measure which relates to the well-being of the bulk of the masses of this country is one in which both the communities are interested equally

Now, Sir, as regards the motion before the House I submit that none of the Honourable Members who have spoken in favour of sending the motion for eliciting public opinion have said that a measure like this is not urgently required My Honourable and esteemed friend, Pandit Madan Mohan Malaviya, has himself quoted such appalling figures which show the very necessity and urgency of such a measure as the present one Now, Sir, they say that because this is a very important Bill, therefore let it go for circulation for obtaining public opinion Now may I ask him, what does he mean by public opinion ? Does he mean the opinion of the educated classes in India or of the uneducated masses in the villages who are altogether ignorant of the ways and manners of social reforms ? If he means by public opinion the opinions of the Judges of High Courts members of Bar Libraries and other institutions in the country (*An Honourable Member* "Chambers of Commerce "), I submit, he is not right when he says that their opinion has not been obtained on the subject Is there anybody who will say that the educated classes in this country are against the principle of the Bill before the House ? Now, Sir, Honourable gentlemen have said that we have not yet obtained the opinion of the public on the subject There too I respectfully submit that the statement is not correct Have you not been holding social conferences along with the Indian National Congress for many years—at least for the last twenty years—and have you not discussed this question very thoroughly and elaborately in those conferences and passed resolutions in favour of such a measure ? Was that eliciting public opinion or not ? Was the opinion expressed in those conferences public opinion or not ? If you have got a volume of public opinion expressed for the last twenty years, I do not understand what good it will be if this Bill is again sent out for circulation to get the view of a few High Court Judges and a few Judicial Secretaries to Local Governments and Bar

[Maulvi Muhammad Yakub.]

Libraries They cannot say anything more than what is on the record already If, on the other hand, by public opinion you mean the opinion of the ignorant masses in the villages, then I submit that you will never get an opinion in your favour from them and you will find that they are against this measure and if, in spite of the urgency and necessity of this measure which you yourself claim for, you rely upon such opinions, you will have to drop the measure Will you drop it because the ignorant masses are against it ? (*An Honourable Member* : " It will have to be dropped " (*Another Honourable Member* : " They are not against it.") I submit not. Therefore, I say it is no use to delay a measure like this ; it is no use sending it out for eliciting public opinion. Measures about which public opinion has not been ascertained are sent out for eliciting public opinion. But here we are already in possession of full public opinion on a question like this, and therefore I say that it is impossible to add anything more to the knowledge which you have already got on this question. Why do you want to attempt an impossibility and say " Send this Bill for eliciting public opinion ? " As my Honourable friend, Mr. Acharya has said, it is very difficult to get a non-official measure through the Legislature. Do we not know that Bills, of which notice was given three years and even four years ago, have not yet reached the Select Committee stage ?

I do not think that if you delay the passage of this Bill, if you send it out for the purpose of eliciting public opinion, you will be able to pass this Bill during the life time of this Assembly. Now, tell us once for all whether you want this measure or you do not want it. If really the Hindus do not want it, if they are really against the raising of the marriageable age, then let them drop the matter altogether. It is not for me to say that you should either accept or reject this measure, but if you really think that it would be a beneficial measure and that it must be put on the Statute-book, then, Sir, it would be futile to say that the Bill should be sent out for eliciting public opinion. Let us hurry it up, and let us pass this Bill as soon as we can. With these words, I support the motion.

Mr. Amar Nath Dutt : Sir, I had no intention of wasting the time of this House by speaking on this Bill and expressing my views whether it should be circulated for eliciting public opinion or whether it should be committed to a Select Committee, firstly, because I get so little an opportunity of speaking here that I thought I had better not open my lips ; secondly, because I have already earned an unenviable reputation in Trans-Atlantic countries for my views upon legislation of this type ; and, thirdly, because there were so many important Bills to come after this, that I was naturally anxious that this Bill should be disposed of quickly in order that we may have some amount of non-official legislation at least in the present Assembly. As my friend, Maulvi Muhammad Yakub, has pointed out, it is not possible for any non-official Bill to be enacted into law in this House if the Government chooses to oppose it In fact I do not know if up till now after the reformed constitution has been at work during the last seven years, any non-official Bill has become law, firstly because it is very difficult to get it passed here, and, secondly.

if we can at all pass it here, there is the House of our Elders where the members of the bureaucracy are in a majority and so it is impossible to have it passed there ; and even if we succeed in getting it passed there, there is the certifying power of His Excellency the Governor General. Therefore, Sir, I do not think that either my friend Rai Sahib Harbilas Sarda or those friends who are so eager to have such legislation would at all regret that it is proposed that this Bill should be circulated for public opinion I can well understand the reason of the Government for making such a proposal, and it is this In measures of this character, the Government does not want to irritate—if I may use that expression—a certain section of our community whom my friend Mr. Jayakar has characterised as the unenlightened portion of our community ; and evidently my friend Mr. Jayakar thinks that people of enlightened views like ourselves, should thrust our views upon the unenlightened masses That is not exactly my view, Sir. I have said this more than once in this House, that social matters should not be made the subject of legislation That is my view, and it was unfortunate that my friend Mr. Harbilas Sarda, a life-long official, should have taken pains to draft a Bill of this character, because he cannot forget that he has ceased to be an official now and that he is sitting here as a representative of the people. Clauses 5 and 6 of the Bill would require me, Amar Nath Dutt, to go with folded hands to the Magistrate, (Laughter), to my friend over there, Mr. Donovan, and take his permission to allow me to marry my daughter—of course I have no daughter now to be married as I have already married her (Laughter)—but I have a grand-daughter, and I shall have to take his permission. (Laughter.) That is the thing ; that is the official mind Sir, I object that any such legislation should at all be considered in this House (*An Honourable Member* : "Quite so".) The Bill should be thrown out But when I find that at least a dilatory motion has been brought forward which in due course of time will kill this Bill, I should like to side with the members of the bureaucracy and support the motion that has been brought forward by the Honourable the Home Member, because, as you know, Sir, adversity makes strange bed fellows. Sir, I regret that the House has wasted a whole day on such a simple question like this, namely, whether this Bill should be circulated for public opinion or whether it should go to a Select Committee, because as Honourable Members are aware, we had only two non-official days for Bills. As my friend has pointed out, we all know what sort of public opinion the Government elicits in matters of this kind But when I found that elders whom we have been hearing from our childhood have with the advance of age become more garrulous and taken up the time of the House, I thought that I should also make myself bold to submit my own views before this House, risking my reputation of being a very orthodox Hindu, though I am not one I do not know whether there is any one in the galleries or elsewhere who may have materials for another book a year or two later and who will do me the honour of quoting me. Be that as it may, Sir, I oppose the motion that the Bill be taken into consideration, and failing that, I support the motion made by the Honourable the Home Member

Mr. Vidya Sagar Pandya (Madras Indian Commerce) : I move, Sir, that the question be now put

Mr. President : The question is that the question be now put

The motion was adopted

Mr. President : The original question was :

"That the Bill to regulate the marriages of children amongst the Hindus be taken into consideration."

Since which two amendments have been moved :

(1) "That the Bill be referred to a Select Committee",

and

(2) "That the Bill be circulated for the purpose of eliciting opinions thereon"

The question I have to put is :

"That the last amendment be made, *namely, that the Bill be circulated for the purpose of eliciting opinions thereon*"

The Assembly divided.

AYES—51

Abdul Matin Chaudhury, Maulvi
Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmad, Khan Bahadur Nasir-ud-din.
Aiyangar, Mr. C Duraiswamy.
Alexander, Mr William.
Aney, Mr. M S
Ashrafuddin Ahmad, Khan Bhadur Nawabzada Sayid
Ayangar, Mr. V. K Aravamudha.
Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr M. S. Sesha
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Bajpai, Mr. G. S.
Belvi, Mr. D. V.
Bhuto, Mr. W. W. Illahibakhsh.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys
Coatman, Mr J.
Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crerar, The Honourable Mr J.
Crofton, Mr. R. M.
Dakhan, Mr. W. M. P. Ghulam Kadir Khan.
Dalal, Mr. A R
Dalal, Sardar Sir Bomanji.
Donovan, Mr J. T.
Dunnett, Mr J. M
Ghuznavi, Mr A H
Haigh, Mr. P. B.
Irving, Mr Miles
Jowahir Singh, Sarda Bahadur Sardai
Kabul Singh Bahadur, Captain
Keane, Mr. M.
Kelkar, Mr. N C
Kirk, Mr R. T. F.
Lahiri Chaudhury, Mr. Dhirendra Kanta
Malaviya, Pandit Madan Mohan
Mitra, The Honourable Sir Bhupendra Nath
Mukherjee, Mr. S C.
Neogy, Mr. K C.
Parsons, Mr A. A. L
Purshotamdas Thakurdas, Sir
Rainy, The Honourable Sir George
Sams, Mr. H. A.
Singh, Mr. Gaya Prasad
Singh, Rai Bahadur S N.
Suhrawardy, Dr A.
Sykes, Mr E F.
Tonkinson, Mr. H
Wright, Mr. W. T. M
Yamin Khan, Mr. Muhammad
Young, Mr. G M

NOES—56.

Abdul Haye, Mr.
Abdullah Haji Kasim, Khan Bahadur Haji
Acharya, Mr M K
Badi uz Zaman, Maulvi
Bhargava, Pandit Thakur Das
Chalmers, Mr. T. A.
Chaman Lall, Diwan
Chunder, Mr Nirmal Chunder.
Cocke, Mr H G
Crawford, Colonel J D
Das, Mr B.
Das, Pandit Nilakantha
Dutt, Mr Amar Nath
Dutta, Mr Srish Chandra.
Farookhi, Mr Abdul Latif Saheb
Ghazanfar Ali Khan, Raja
Gidney, Lieut-Colonel H A J
Goswami, Mr T C
Gour, Sir Hari Singh.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand
Ismail Khan, Mr
Iswar Saran, Munshi
Iyengar, Mr A Rangaswami.
Iyengar, Mr S Srinivasa
Jayakar, Mr M R
Jinnah, Mr. M A.
Jogiah, Mr Varahagiri Venkata.
Joshi, Mr. N. M
Kartar Singh, Sardar.
Kidwai, Mr. Rafi Ahmad
Kunzru, Pandit Hirday Nath.
Lajpat Rai, Lala.
Moore, Mr. Arthur.
Muhammad Nawaz Khan, Lieut Sardar.
Mukhtar Singh, Mr
Naidu, Mr B. P
Pandya, Mr. Vidya Sagar
Prakasam, Mr. T.
Rajah, Rao Bahadur M. C
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Rang Behari Lal, Lala
Rao, Mr G. Sarvotham.
Roy, Mr Bhabendra Chandra
Ruthnaswamy, Mr M
Sarda, Rai Sahib Harbilas.
Shah Nawaz, Mian Mohammad.
Sherwani, Mr. T A. K
Siddiqi, Mr. Abdul Qadir.
Singh, Kumar Rananjaya
Singh, Mr. Narayan Prasad
Singh, Mr Ram Narayan
Sinha, Kumar Ganganand
Sinha, Mr R. P.
Sinha, Mr Siddheswar.
Yakub, Maulvi Muhammad

The motion was negatived.

Mr. President: The question I have to put is:

"That the first amendment be now made, namely, that the Bill be referred to a Select Committee."

The motion was adopted

The Assembly then adjourned till Eleven of the Clock on Friday, the 16th September, 1927.

LEGISLATIVE ASSEMBLY.

Friday, 16th September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

SHORT NOTICE QUESTION AND ANSWER.

RESUMPTION OF THROUGH RUNNING IN THE EAST COAST SECTION OF THE BENGAL NAGPUR RAILWAY.

Mr. M. K. Acharya: With your permission, Sir, I wish to ask a short notice question. Can Government say when through running is likely to be possible on the East Coast section of the Bengal Nagpur Railway?

Mr. A. A. L. Parsons: We have heard from the Agent that further damage has been caused to the line by recent heavy rains, and September the 24th is now the earliest date on which the line is expected to be opened to through running.

Mr. A. Rangaswami Iyengar: You cannot say for certain?

Mr. A. A. L. Parsons: I am afraid not. It won't be open before the 24th and I cannot be certain that it will be then.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: The following Message has been received from the Secretary, Council of State:

"I am directed to inform you that the Council of State have, at their meeting held on the 15th September, 1927, agreed without any amendments to the following Bills which were passed by the Legislative Assembly on the 8th September, 1927:

A Bill to amend the law relating to the fostering and development of the bamboo paper industry in British India.

A Bill to amend the Indian Securities Act, 1920, for certain purposes."

BILL PASSED BY THE COUNCIL OF STATE LAID ON THE TABLE.

In accordance with Rule 25 of the Indian Legislative Rules I lay on the table the Bill further to amend the Aden Civil and Criminal Justice Act, 1865, in order to make further provision for the jurisdiction thereunder of the High Court of Judicature at Bombay, which was passed by the Council of State at its meeting of the 15th September, 1927.

THE CRIMINAL LAW AMENDMENT BILL.

The Honourable Mr. J. Crerar (Home Member): Sir, I move that the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, as reported by the Select Committee, be taken into consideration.

[Mr. J. Crerar.]

In moving that motion I do not think that I need detain the House at any length The general principles and intentions of the Bill were fully discussed in this House at an earlier stage. The Bill, as Honourable Members will see, has undergone very thorough examination before a very large and representative Select Committee and, as it now returns to the House, is in a form considerably restricted. The criticisms which were passed in the House were carefully taken into consideration, more especially those relating to *bona fide* discussion, and, in particular, discussions of religious matters by persons who in good faith desire religious reform Keeping these considerations carefully in mind, the Committee have redrafted the Bill and introduced restrictions which I think will satisfy those who had apprehensions on that point.

Sir, I move.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural) : Sir, it is with a good deal of reluctance and hesitation that I consider it my duty to oppose the motion of the Honourable the Home Member on principle In doing so, Sir, I fully realise the fact that the leaders of the principal parties in the House have conceded the need for some measure of this sort at the present juncture. I also realise, Sir, that the Select Committee on which I had the honour to serve have removed from the Bill many of its objectionable features

Mr. President : Is not the Honourable Member's voice a voice in the wilderness !

Mr. A Rangaswami Iyengar (raising his voice) : I also realise, Sir, that in the state of atmosphere in which this Bill is being discussed and passed in this House, my voice will be a voice in the wilderness. But, Sir, my voice is raised on behalf of the elementary right of freedom of speech and writing which ought to exist in this country. And I think although to-day the House may not be in a mood to accept what I say, the House will no doubt soon regret that there was any necessity to pass a measure of this kind. I think, Sir, in so far as this Bill is concerned, it is one more addition to the large catalogue of repressive measures in this country. We have been complaining that the law of sedition, that the law under section 153-A in regard to communal hatred, is so wide and so sweeping that the exercise of the rights of legitimate criticism, of freedom of speech and writing in the Press and on the platform, has been very severely restricted ; and that many of the greatest patriots of this country have been sent to jail under the sweeping provisions of the existing law, *i.e.*, sections 124-A and 153-A Sir, the question is whether in this country, thinking calmly, not under excitement or under the influence of communal or other feeling, we can really seriously afford to add to this catalogue of repressive laws. The whole position, Sir, is this I do not for a moment desire to be taken as in any sense asking for immunity for scurrilous or defamatory or libellious or even seditious writings I am as keen as anybody in this House for summary and proper punishment of such offences. But, Sir, to punish scurrilous writings by the ordinary law of the land is one thing ; but to add to the catalogue of repressive laws in this country is quite another thing ; and it is because this constitutes a definite addition to the repressive laws of this land that I, Sir, having to do with this

matter—having to have my being, my bread, my profession, my public duties, having to discharge my public services through newspapers and speeches and writings—that I consider that the perils of the newspaper-man, of the public speaker, are already huge enough in all conscience for the Government now to try to add to them. There may have been occasions when, owing to some accident or owing to a *bona fide* interpretation of laws, the views of particular Judges may or may not have commended themselves to the common sense of the community affected by the judgment. There may have been also a necessity—I do not want to discuss it here—when a particular judgment may have placed the law in such doubt that it may be necessary to make clear the interpretation of the law as it stands But, Sir, to interpret the law or make clear doubts that may exist on the law is one thing ; to try to create a new offence, to try to add to the repressive laws under which pressmen and publicists may be brought is quite another thing, and so far as I can see the existing law—even if it may require to be properly interpreted by any particular measure of this House—the existing law is, as I say, more than sufficient to deal with transgressions from the ordinary law of libel or the ordinary law by which communal good will may be promoted

I desire in the next place to point out that so far as this offence is concerned, we in this House can view it from two aspects. Either because of the scurrilous or libellious nature of a particular pamphlet or writing, that pamphlet injures a particular man or a particular group of men, and in that case it is a damage or injury to that man or group. Then that should be taken on the basis of the ordinary law of libel or defamation, because it is injuring the particular rights of a particular man or a particular group of persons. We are not now concerned with this, because the proper course then will be for the Government to come up with the addition of another clause to the law of defamation of the country I take it the *raison d'etre* of the Bill before the House is the fact that these scurrilous writings have a tendency, a definite tendency, to disturb the public peace and tranquillity, to incite to violence or to other crimes. If that is so, that ought to be made perfectly clear in the section itself. As I have always held, both the law of sedition and the law about incitement to communal hatred can only be justified in this country, not only by the tendency which they may have in producing mere feelings of enmity, hatred or contempt, but the fact that they have a definite tendency to incite to violence or the commission of any crime or the disturbance of public tranquillity or order That is the basis upon which the law of sedition is administered in England That is the basis on which the law of sedition has not been administered in India, and that is the reason why the greatest partriots of the land have been sent to jail on the law of sedition of this country If that is the case in regard to the law of sedition in regard to patriots who have been discharging their public duty, this law which deals with religious feelings and religious prejudices will lead to the creation of such a sweeping class of offences that it will be very difficult to say what may or may not constitute an offence under this category of offences. I quite agree that the Select Committee have done their best to circumscribe the offence and also to provide safeguards for the manner in which its provisions have to be administered But I say on principle there is no ground whatever for placing this law on the Statute-book I speak with all deference to the leaders who have said that this law ought to be enacted

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at the present time , but I think that the real way of putting down these scurrilous writings and these inflammatory pamphlets is to educate public opinion in the country properly. After all, Government must really rely upon public opinion to see that law and order are preserved and that there is no breach of the public peace ; and so long as they cannot get public opinion on their side, it does mean that there is something wrong in the methods which they adopt ; they do not prove on the other hand that there is any necessity for adding to the list of crimes in this country. I therefore say, Sir, that, in so far as this law imposes obligations of a most onerous character on the Press and public of this country, it is a law which is totally uncalled for. It is all right for those who do not have directly to deal with the duties of publication to say what they like ; but we who are eternally concerned with the printing and publishing of news, views and what not—it is for us who have actually to do with it to find out whether this particular law is safe enough to protect us in the discharge of duties which we in our profession have to discharge ; and I say, that however much leaders of public opinion in this country, however much leaders of parties and leaders of communities and leaders in political life might think that these communal disturbances have been going on so long that we ought to take some steps to prevent them, it is not they who can fully realise where the shoe pinches We, Sir, know where the shoe pinches. It is all right to say that a particular pamphlet is inflammatory and that somebody should be locked up at once for it , but before that somebody is locked up for it there are innumerable press agencies and innumerable newspapers who would be caught in the net before that single man—who may be a very insignificant individual and may or may not be affected by the proceedings taken against him—is locked up. He will not be affected to the extent that the publisher is affected by this Bill. The whole question is whether there is sufficient protection for the honest publisher and the honest printer who may in the course of his duties have to print and publish these pamphlets. I concede, that so far as the section itself is concerned, the words " maliciously and deliberately " have been introduced, and to that extent it is a safeguard. But, Sir, it is not always that these concessions are made to pressmen ; the pressmen have been put to a great deal of trouble in having to prove their *bona fides* in courts ; and therefore whatever may be the protection that we may get under this Bill—and, as I say, I concede fully that the Bill has gone as far as possible, once it is conceded that a Bill of this kind is necessary—I do not see that there is any necessity for this Bill at all. I cannot see that it is necessary to add to the provisions of the existing Penal Code in this behalf and if the interpretation of particular provisions of the Penal Code has been rendered doubtful by reason of conflicting judgments, all that is necessary to do is to clear that doubt. Beyond that, Sir, I say we cannot go, and no case can be made out for interfering with our fundamental liberties of free speech and writing.

Sir, I oppose the motion.

Mr. N. C. Kelkar (Bombay Central Division : Non-Muhammadan Rural) · Sir, I rise to support the motion that the Bill be taken into consideration, but only in the hope that it will be considerably improved before it is passed. I have got to make my position clear as I was a member of the Select Committee and have also written one or two dissenting

minutes, and therefore I will state my position before the House clearly, though not perhaps very briefly.

In the first place, I must say this—that my mind instinctively rebels against the creation of a new offence. But even conceding that some measure of this nature is necessary to put a restraint upon scurrilous writings, we must at the same time see that this new offence, this new penal legislation, is hedged round with necessary and wholesome qualifications. For after all it stands to reason that the remedy in the case of any disease must not be worse than the disease itself. Now, with regard to the kind of people with whom we have got to deal in a matter like this, I think we can easily put them under three categories. The first category is of those who are willing to wound but afraid to strike ; the second is of those who are willing to wound and also not afraid to strike , and the third is of those who are willing to strike but unwilling to wound. I think that is a comprehensive list of categories and that will help us clearly to see how we should deal with each category in its order.

Now, with regard to the first category, namely, those who are willing to wound but afraid to strike, I think the law may leave them alone ; the law can not touch them ; after all they are guilty merely of criminal intentions, and they need not be penalised for that. They are impotent malevolents and they may be left safely to stew in their own juice ; and we all know, as Emerson has said, that the best furnace is that which consumes its own smoke, let this smoking chimney consume its own smoke and not come into the public with it. We will leave the impotent malevolent there.

Then I come to the second category—men who are willing to wound and also not afraid to strike malevolently Here is a clear case in which the law must intervene and punish this class of persons But the real difficulty in a measure like this is about the third category of people, namely, people who are willing to strike, who honestly think they must strike, but yet are unwilling to wound , and in my opinion, what the Select Committee has failed to do is to put sufficient hedging round this new penal legislation so that adequate protection may be given to this third category of people.

Now, among these three categories of people you will see, Sir, how easily they can all be disposed of The malicious coward is his own sentinel ; he keeps guard on his own mind and does not come out with action ; therefore we need not trouble about him The malicious man of action is his own accuser and he cannot get any protection But it is the honest and benevolent but frank critic that requires the greatest protection, and we must see in this House that we give it to him We are all aware that criticism has played a very great part in reform and progress of civilisation in this world ; and even when we sit down to legislate in a panic we must take a very wide view of things and allow this useful agency of criticism to go on doing its work Law, in comparison with criticism, has a strictly limited purpose It can and also must tell people in exact and precise terms as to what they may not do The educative operation of law is after all more negative than positive. The law tells people that certain things may not be done—not that certain things should be or must be done. It leaves man to his own degree of education and refinement and benevolence. I have often fancifully compared in my own mind the law to a

[Mr. N. C. Kelkar.]

toll bar on the road, for it lays down a limit beyond which you shall not go without paying a toll of punishment or penalty. But at the same time, a law, like that toll bar on the road, never undertakes to see what the speed of your car has been until after you approach or pass that turnpike or toll bar. There is a limit to action definitely and inexorably fixed, and the law insists that, if you want to transgress or go beyond that line, you must pay the penalty.

Then, Sir, I have absolutely no doubt in my own mind, and I do hope that this House also will have absolutely no doubt in its own mind, as to the classes of people who require protection ; and therefore we must insist that they shall get that protection I will put before this House the categories I have got in my own mind, and that list of categories is almost in a gradually descending order of merit. First, I think the law must give protection to the sly sceptic—the doughty doubter The service he renders to mankind is that he spreads a very wholesome contagion of doubt and unbelief and you often feel that by his magic touch the sands of belief and settled opinion slide and shift away from under your feet as when you stand in a swift current of a river.

Then I claim protection, Sir, also for the diligent sociologist. He has obvious zeal for accurately noting down facts which may serve as data for generalization, and in that task he often has got to note down and expose sometimes even vulgar facts, because without the exposure of such vulgar details of religious or public life no useful generalizations can be drawn.

Then, Sir, I claim protection for the cold rationalist before the blast of whose trumpet of reason the walls of dogma and authority fall like the walls of Jericho.

Then again, I claim protection, Sir, for the absent-minded philosopher whose very wide range of generalisation is in itself a guarantee that he only looks at the wood of society and simply forgets the trees of personalities. For this philosopher I claim protection.

Then I would claim protection even for the mischievous but kindly humourist We all know that he contributes greatly to the enjoyment of pleasantry in the social world, and yet we know that he sweeps the cobwebs of egotism and superstition from the inner corners of men's minds by the gentle breeze of ridicule

And lastly, I will go further and claim protection even for the apparently merciless satirist who uses the knife but only in the spirit of a surgeon when performing what may be a necessary operation for the good of society.

For all these classes of people, Sir, I do claim protection from the law and against the law. Sir, it will be remembered that this is not the first time in the history of the world when we are grappling with great controversial issues—social and religious issues. Every age had its own critics, though of course they were endowed with a wide variety of temperaments and a varying degree of culture and refinement, but who succeeded by their criticism in the common purpose of reform and regeneration of society. We all know, Sir, that the crude and blunt Luther actually used the hammer and nailed the interrogatories to the door of the established Church, but we also know that there was Erasmus before him,

who served the same good purpose by taking his readers on an imaginary tour to Heaven and revealed to them the miserable plight in which the saints and the so-called religious men were living there. We know Roussean who was blunt and even vulgar, but there was side by side with him also Voltaire who was sly and mischievous ; but both accomplished *the same purpose, each in his own way, and that purpose was the bringing* of the body politic and society to a higher level.

Now, even in our own time, what do we see ? We have seen great issues very reasonably discussed from various points of view. And from the religious aspect I may name issues whose greatness will be appreciated by my simply mentioning them. Now, have not people in our own time dealt with the question of the historicity of Christ ? The love affairs of Lord Krishna have also been made the subject of plentiful speculation and argument The home life of Mahomad, as we have all seen, has been a subject of criticism, and the gluttony of Buddha has been criticised, because we know that some people accuse Lord Buddha of dying on account of over-eating of mutton Now, touching the social aspect of controversy, I may mention subjects which are quite familiar in our own society and times For instance, we have in India child marriage, birth control, widowhood. Certainly these questions are not very easy of treatment, and yet we see critics who are endowed with a wider vision and who are animated at heart by real benevolence to society—we have seen these great problems discussed and controverted without harming anybody. But all this of course is done in good faith, and the generation of men who do these things is not yet gone and spent.

My real difficulty, therefore, about the Select Committee's Report is that it does not give adequate protection to people in our own generation who are actuated by benevolence to society and offer criticism instead of facts in pure good faith and honesty of purpose It is for the purpose of pointing this out prominently to this House that I have stood up to support the motion that the Bill be taken into consideration. but I do hope also that the Bill will be greatly modified.

Sir Zulfiqar Ali Khan (East Central Punjab : Muhammadan) : Sir, I congratulate the Government on their wisdom in introducing this measure in this House to meet the situation which has unfortunately been created outside this Chamber in the wide world of India. Sir, I have listened to the philosophic speech of the Honourable Mr Kelkar which, I must confess, is not quite comprehensible to an ordinary person like myself but is quite worthy of the ancient philosophers Sir, I am sorry to see that Honourable Members sitting in the serene atmosphere of this Chamber either forget or do not realise the tragedies which are enacted outside this Chamber I cannot understand that the responsible representatives of the people should show such utter indifference to what is happening outside

Now, Sir, speaking about my own province where a great trouble recently happened. I may say that three communities, rather virile communities, exist side by side—Hindus, Muhammadans and Sikhs—and two at any rate of these communities are considered to belong to the martial races They are very inflammable and I think that all three of them are liable to religious excitement The atmosphere not only in the Punjab but all over India is surcharged with great excitement and

[Sir Zulfiqar Ali Khan.]

with great religious differences and on the top of this, a man suddenly comes out, rather insignificant and obscure perhaps, not known to many, and he launches a speech or he issues a pamphlet grossly insulting the religion of others and maliciously attributing motives or conduct to the founders of religions which others follow. Now, Sir, this obscure man is the cause of very great unhappiness to the people. He inflames passions which are not easy to control He excites people to a pitch which inevitably leads to strife and trouble. I know that Honourable Members are aware that the feeling of animosity existing between the different communities has reached that unhappy stage which certainly cannot lead to the peaceful progress of this country. The economic, social and political life of this country is suffering a grievous set-back and I cannot understand how under these circumstances any patriotic individual can condone or allow a man of this type to enjoy any liberty of speech or writing A man who is guilty of such acts must find the whole nation anxious to suppress him (*An Honourable Member* "He becomes a hero.") But unfortunately I see that not only the ordinary man but even the representatives of communities and intellectual lights of this country desire that this man should enjoy the opportunity of speech and freedom. (*An Honourable Member* "Not this man: deport him") Describe the man who should enjoy such freedom of speech. (*An Honourable Member*: "The honest citizen.") Now, Sir, the more this man enjoys the freedom, the greater becomes the work of mutual slaughter. Every day in the country reports come from one quarter or another that rioting has taken place there or incendiarism has taken place in another place. Can we ignore all these things? Can we go on tolerating these acts and can the Government afford to shut their eyes to what is happening in the country? Are they not responsible to the world outside? Are they not responsible to the civilised people of this country? And is it not their duty, as an enlightened and civilised people themselves, to put a stop to this kind of tragedies which are daily on the increase? Sir, if this thing goes on, I may tell the Honourable Members that the catastrophe which may happen will be appalling and the Honourable Members, indeed all of us will be responsible to posterity for sowing discord and perpetuating a situation for which we shall be responsible not only to them but also to the world outside, which will surely blame us for showing this apathy and indifference to the tragedies.

Now, Sir, it seems to me from the list of amendments which have appeared on the agenda, and I have a strong impression that a section of the Members of this Honourable Chamber think that this measure which is designed to meet the situation is for the purpose of protecting a certain community, and this impression is very unfortunate. I speak as an Indian—not as a Muhammadan. And I say that, if a Muhammadan insults the religion of others or the founder of the religion of others, I should be the first, if I were a magistrate, to give him the maximum amount of penalty that the law allows and I hope the Hindus or the Sikhs will allow me to say that, if a Hindu or a Sikh grossly or wantonly insults the religion of Islam, they will confess that that man should not be spared if there is to be any progress or any economic life to be allowed in this country. Sir, this Bill I think leans too much

on the side of leniency. It gives only two years to the offender, and that is the maximum I do not think that, so far, any judge has given the maximum penalty. Sometimes it is six months or even less, on an appeal to the High Court it is frequently reduced very much. Now, Sir, what we want in the interests of the country is that the penalty may be deterrent in its nature, so that the tranquil progress of the country and the peaceful life of the country may not be seriously and gravely disturbed. I think also that Honourable Members will avoid the danger which lurks in the proposal that the offender should enjoy the right of appeal. It is a very serious matter and I think that if his opportunity of movement is not restricted he will become a positive danger to the peace of the country.

Sir, I appeal to my Honourable colleagues, in the name of progress, in the name of civilisation, in the name of enlightenment, not to treat this measure in a spirit of levity and controversy, which ought to be foreign to all patriotic people, but to treat it as a necessary measure for the progress of the country and for repressing that ebullition of feeling which is doing so much harm to the country

Mr. K C. Roy (Bengal Nominated Non-Official) Sir, I feel it my painful duty to oppose the motion moved by my Honourable friend (Mr. Crerar). I agree with Nawab Sir Zulfiqar Ali Khan when he said that circumstances had arisen in this country, for which I believe our communities are primarily responsible and the Government secondarily responsible, which demanded drastic treatment.

Mr. A. Rangaswami Iyengar: Government are primarily responsible

Mr. K. C. Roy: I repeat the communities are primarily responsible and Government secondarily responsible—which demanded drastic treatment. But, Sir, what is the Bill before us? The Bill only proposes to add a new offence to our Indian Penal Code. We have already provided for hatred against class and hatred against Government We are now going to provide for hatred against religion. This is the exact purpose of the measure. This is neither a Hindu nor a Mussalman Bill My friend Sir Zulfiqar Ali Khan is absolutely wrong when he assumes that we are passing this Bill because it is a Moslem measure. It is nothing of the kind We are adding a piece of repressive legislation to our Statute-book. And for what purpose? It will serve no useful purpose whatever.

I oppose this Bill on four principal grounds, namely, that the Bill [illegible] most inopportune, that the Bill will not serve the purpose which Gov[illegible] ment have in view, that the Bill is inconsistent with the spirit of toler[illegible] for which generations of Englishmen and Indians have worked [illegible] country, and lastly, Sir, that this Bill is a stigma on the India[illegible] We are considerably handicapped in the discussion of this Bil[illegible] encomiums which were passed upon this measure by the Party L[illegible] this House (*Mr. D. Belvi*: "Hear, hear") I am sorry [illegible] have to single out Mr Srinivasa Iyengar first. He it is who [illegible] Bill was overdue. He is a great lawyer and an eminent j[illegible] all that. I am a layman But I am content to rely upon [illegible] of three successive High Courts, the High Court of Cal[illegible] Court of Allahabad and lastly the High Court of Lah[illegible]

[Mr. K. C. Roy.]

the other existing laws We have not needed this Bill for the last 250 years. Why do we need it now? My friend Mr. Srinivasa Iyengar did not look deeper into the problem. Perhaps he was thinking in terms of the Unity Conference. Now, I come to my Honourable friend Mr. Jayakar. He said that there has been a demand from the country. Might I know where the demand came from? I claim, Sir, that I am in constant touch with the flow of political events in India The demand came from whom? A handful of men in the Punjab, thoughtful perhaps, patriotic perhaps, but really, the inner working came from a set of men who are responsible for the communal disturbances in North India.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : How do you know?

Mr. K. C. Roy : The proper treatment for that is not this Bill but action under the Deportation Act and the Criminal Law Amendment Act. If these two Acts had been primarily resorted to in the provinces of the Punjab, Delhi and the United Provinces, we should have heard very much less of these communal troubles. (*An Honourable Member* : "Why exclude Bengal?") Then, Sir, I come to my Honourable friend Lala Lajpat Rai. Only the other day, speaking on the Volunteer Police Force Bill, he asked whether we were to accept a Bill of this sort from an alien bureaucracy. But he has no hesitation in accepting a far more drastic measure from that bureaucracy. I shall ask him to reconcile his own opinions.

Lala Lajpat Rai (Jullundur Division Non-Muhammadan) : I will.

Mr. K. C. Roy : And lastly, Sir, I come to my revered friend, Pandit Madan Mohan Malaviya. He is not here just now He gave us a dissertation on religion. I say this Bill does not deal with religion. It deals with a concrete offence, and that an offence which can literally be dealt with under the existing Acts

Mr. K. Ahmed : Is there no religion in it?

Mr. K. C. Roy : No, Sir.

Mr. K Ahmed : Concrete fact?

Mr. K. C. Roy : Yes, concrete facts. I say that the Bill is inopportune, and I am very anxious to emphasise this fact. It was only the other day that His Excellency the Viceroy gave us a message that if response was forthcoming, he would convene an All-India Conference to examine the communal troubles. I know what His Excellency meant. His Excellency does not want to treat merely the symptoms of the disease with which this Bill deals. He wants to treat the whole question in its political, in its economic and in its religious and social aspects. (Hear, hear.) We are prejudicing his chance by passing this Bill to-day. Let us examine this case fully : let us examine the religious disabilities of Hindus and Muhammadans : let us examine the economic value of this question, and we can take measures after that What is the good of having a trumpery legislation which will yield no results?

Mr. K. Ahmed : Will you fetch a bucket of water after the house is burnt?

Mr. K. C. Roy : Well, we shall see about it a few minutes later. (*An Honourable Member* : "When it happens".) Yes, when it happens. There is the deportation law for the time being. Many Members of this House will undoubtedly recollect that there was a discussion of this question in the Punjab Legislative Council. Only the other day I asked my Honourable friend Mr Crerar whether he would be good enough to lay the opinion of the Punjab Government on the table and he was unable to oblige us. What was the discussion about in the Punjab Legislative Council ? I shall read an extract from the speech of the Honourable Mr. Craik, Chief Secretary to the Local Government. He said :

"More than half the newspapers in the Punjab had dummy editors. In one case the editor was one who had confessed that he had forged currency notes and escaped only by giving away his companions."......(Laughter.)

(*An Honourable Member* : "Under what provision ?")

"Another editor had in turn been a barber, a syce, a deserter from the Indian Infantry and an ex-convict."

Do I understand that Mr. Crerar will deal with them under these Acts ? I can tell you, "No, he won't". But if he brings any proper Bill to deal with this sort of people, he will have the fullest support from every newspaper man in this House But this Bill will serve no useful purpose. It was only this morning that I was talking to a very distinguished official of the Punjab who had much to do with these troubles. He told me that the Bill as originally drafted provided very little and, after it had come from the Select Committee it is nothing I shall ask Mr. Crerar to convince me on this point.

Sir, the last point on which I wish to say a few words is that this Bill is not in keeping with the spirit of the British administration in this country I know generations of British statesmen and Indian reformers, distinguished men of public thought, such as the founder of the Aligarh College, had worked for religions and social reform But this Bill puts a premium on intolerance and bigotry I am sorry, Sir, that Lord Irwin's Government should be associated with a measure of this kind. Have a Bill by all means, have a comprehensive Bill after a proper inquiry, to deal with communal questions, but not this Bill which really is not a progressive measure, but which will only hamper the good work done by reformers in this country—European, Hindu and Mussalman.

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Rural) Sir, I rise with a twofold object I wish to say a few words as regards the principle of the Bill inasmuch as I did not say anything on the Bill the other day My second object is to move the amendment which stands in my name. I believe, Sir, we shall economise our time if I move the amendment for circulation at an early stage of the discussion

Now, as to the principle of the Bill. It seems to me after careful consideration that this is a Bill which is fraught with very great danger. It appears to be an innocuous measure at the first blush, but it seems to me that though it wears the garb of innocence it will not only muzzle the Press of the country to a certain extent, but it will also hamper the free expression of opinion on the part of scholars, historians and men of that kind It is my firm opinion that the law as it stands is sufficient for all practical purposes Government has slept over its duties

[Mr. D. V. Belvi.]

for a number of years. My firm conviction is that, if the Government had taken measures earlier to repress mischievous writings, mischievous speeches at the proper time, we would not have been in the predicament in which we now stand. Did Government do anything? Did it lift its little finger to take any repressive measures to put down, the inflammatory speeches that were delivered by members of both communities at Aligarh, in the Punjab, in Bengal and other places? Are we not aware of the kind of speeches that were delivered at Aligarh about two years ago? Has the Government done anything in the matter hitherto? It has done nothing whatever. Now that it sees that there is a great deal of hubbub in the country, it wants to cover its own sins by passing this measure. The law as it stands is enough to vindicate the reasonable liberty of every man in the land. We know that though the accused in the *Rangila Rasul* case was not convicted by the Lahore High Court on some technical ground, the law was fully vindicated in a subsequent case, the *Vartman* case. What does this show? It shows that there is sufficient safeguard in the existing law, but that the law was not set in motion by the executive for its own purpose, either because the executive was not alive to its duties, or because it had some sinister motive. There is no other explanation possible. It is very unsafe to add to the armoury of the executive another dangerous weapon.

Let us see how the present Bill is framed. It is provided in the Bill that the authority to institute a criminal prosecution is to vest in the Government. It is stated that no prosecution should be instituted without the sanction of the Local Government. I submit that this is not a salutary provision at all. If you really wish that a person who is aggrieved should have his redress, then it should be permissible to him to go to a court of law to vindicate his rights. It is said that if such liberty is given false complaints may be brought before courts. There are provisions in the existing law which provide against complaints of that kind. If A prosecutes B falsely, in the first place, the magistrate has got powers in his hands to award compensation to the accused at the expense of the complainant. That is remedy No. 1. Then there is a second remedy open to the aggrieved person if there be a false prosecution. He can ask the magistrate to grant sanction for the prosecution of the complainant under section 211 or under section 182 of the Indian Penal Code. The complain
plaint and he will be tried,
sentenced. There is a thirc
suit for damages for false
so many remedies open to the aggrieved person, why should the authority to institute a criminal prosecution under the proposed new law be vested in the Government? The explanation is that the Government wants perhaps to play off one community against another, sometimes showing partiality to members of one community and sometimes showing partiality to members of another community. My humble opinion is that if you are inclined to pass this measure into law, leave it to the aggrieved parties—let them have the satisfaction of going to the court and vindicating their rights. If you wish to pass this law, then leave the people full liberty to take the course that they may be advised to take.

I submit that freedom of opinion will be much suppressed and I shall give you a concrete instance of what I mean. The instance is very

recent. A small pamphlet came to my notice only the other day. You know that there is a community of Muhammadans in this country known as the Khojas His Highness the Aga Khan is the religious head of that sect. The sect numbers, I believe, in its fold several millions of people—I do not know the exact number, but I know that the followers of His Highness the Aga Khan are both in India and in Africa (*An Honourable Member* : " And Persia "), and, in Persia also. There is an association in the city of Karachi of the Khojas and the Secretary of the Association there has issued a small pamphlet. I have received a copy of the pamphlet by post, but unfortunately I forgot to bring it here, and I do not know if any other Members of this House have received copies of that pamphlet. You will find there that the writer of the pamphlet says that he is himself a member of the Khoja community, and yet he disputes in the body of that pamphlet the very title of His Highness the Aga Khan to the position of the religious head of the sect He says that he does not admit the alleged correctness of the pedigree of His Highness and his family. He denies that His Highness the Aga Khan is a descendant of the Holy Prophet of the Mussalmans. He also says that His Highness is altogether wrong in telling people that they should not offer their homage to Allah but to himself. The pamphlet also says that His Highness has openly preached the doctrine that homage should be paid to him personally as Allah Are we to suppose that an expression of opinion of this kind should be punished ? The man is a member of the Khoja community, and I have no doubt that many Khojas will feel insulted or their religious feelings will be severely wounded by the publication of such a pamphlet. But it seems to me that the writer of the pamphlet is speaking out frankly. Is it right that things of that kind should not be discussed in the public ? What will be the inevitable effect of the law you are making now ? You have not considered the full implications of the Bill that you are passing. It is all very well to say that there are breaches of the peace here, there are houses burning there and murders elsewhere. All that is true, but do you think that all these will be stopped simply because you pass this measure here ? Unfortunately for us, some of the leaders of the two communities went on talking recklessly. They sowed the wind and they are now reaping the whirlwind. It is very easy to set fire, but it is not so easy to control the fire when it is flaming and raging. I do not believe that the mere passing of this measure will allay public feeling in the country. There are other remedies which should be tried. There is one idea which is lurking in our minds and I think I shall not be doing justice to myself if I do not give expression to it. It seems to me that some of my Muhammadan friends believe that the proposed law will do them greater good and they are so anxious as to plead for enhancement of the punishment, and they desire that the law should be made more Draconian. I request them to take my assurance that, if this law be passed, it will be as hard on Mussalmans as it will be on Hindus, and I do not think that if you make this offence non-bailable the Hindus only will suffer. For aught I know, more Muhammadans may suffer than Hindus. It is no use making the law very Draconian. If you wish to pass a law, let it be a reasonable law. There is a punishment of two years provided in the Bill. That is quite enough. It will depend upon the kind of offence that is committed, it will depend upon the kind of magistracy or the Sessions Judges that you get for the trial of the cases It is no use making the new offence you are creating a non-bailable offence, or increasing the punishment to 7 years.

[Mr. D. V. Belvi.]

It is not only the Prophet of the Mussalmans that will be sometimes attacked, but there will be the prophets, the saints and other holy persons of the other communities that may be insulted So, it is no use saying, in my humble opinion, that the law should be made more stringent.

12 Noon.

It is very unfortunate that such a law should be passed in the first instance and then it will be still more unfortunate to make the law so very stringent. We know that in ancient times if a man committed a small theft his hands were cut off. Sometimes his ears were chopped off, but it was found in course of time by experience that a severe sentence did not necessarily mean repression of crime. Then, Sir, I do not think that I need say anything more as to the dangerous principle of the Bill. I fully associate myself with all that has been said by my Honourable friend Mr A. Rangaswami Iyengar You will find by referring to the Report of the Select Committee that such sane and sober men as my friends Mr. K. C Roy, Mr. Arthur Moore, Mr. Kelkar, Mr. N. C. Chunder and Mr. A Rangaswami Iyengar say that the present law is adequate and that they are dead against the Bill that is now proposed to be passed into an Act All these Honourable gentlemen are connected directly, with the exception perhaps of Mr. Nirmal Chunder, with the Press of the country. (*Honourable Members* : " He is also connected with the Press.") Very well, then, I find that five gentlemen who are connected with the Press in India are positive in their opinion and they all say that this measure is superfluous and that it is not wanted by the country. Are we to set aside the opinions of these men ? I have no doubt that if there had been a representative of the Muhammadan Press on the Select Committee, he would probably have concurred in the opinion of these five gentlemen, but unfortunately I do not find in the names of the members of the Select Committee that there is any Muhammadan publicist (*Mr. K Ahmed* : " Are you an editor.") If you wish to say anything kindly speak up I am not an editor myself. I have nothing to do with any newspaper. I was never one and I do not hope to be one in the future. I have never published any pamphlet hitherto and I do not desire to publish any hereafter. I am quite safe. I always keep myself within the bounds of law.

Then, Sir, I come to my amendment I shall first of all read my amendment. My amendment is that the Bill, as reported by the Select Committee, be circulated for the purpose of eliciting opinion thereon by the 15th January 1928 Honourable Members may perhaps think that I have again moved a dilatory motion I assure them that my object is not to delay the measure but I repeat that it is necessary to send this Bill to the various provinces for its circulation. The Bill has not yet been translated into the various vernaculars. You are legislating for many crores of people residing in this country. Let them know at least what we the legislators are about to do. Let us not ignore their presence. It is for their benefit that you are legislating. Do not think that simply because you happen to be clad in brief authority and have the privilege to sit within the walls of this Chamber for some time that you can legislate despite the people that have sent you here. (*Mr. K. Ahmed* : " Question ! ") It is very wrong of my friend Mr. Kabirud Din Ahmed to say " Question " I ask him not to forget his constituency Next time he may not be sent up Very often we harp on the slogan that good government cannot be a substitute for government of the people, by the people, and

for the people. That is the slogan that we not infrequently advance. At any rate we on this side call ourselves democrats and we always say that the real political power should be with the masses. That is our shibboleth but how do we behave ? Yesterday we ignored the people of the country altogether. I warn you not to do so again Do you know what people will think about you if you ignore their presence ? Sir, I wish to read to this House one sentence which has struck me most and which I think is very relevant to this point. I am quoting from my favourite political philosopher, Burke. He says. (Laughter.) My friends here will considerably benefit themselves if they will read Burke, especially his Reflections on the French Revolution. We are on the eve of a revolution in this country and it is necessary to study every sentence of that immortal book. I will read only one sentence. It reads .

"You will smile here at the consistency of those democratists, who, when they are not on their guard, treat the humbler part of the community with the greatest contempt, whilst, at the same time, they pretend to make them the depositories of all power."

That applies exactly to the conduct of this House yesterday.

Mr. President · The Honourable Member is not in order in criticising the decision of this House

Mr. D. V Belvi · I bow to your ruling, Sir, but all the same I maintain that Burke is positively right. You wish to pass this law in haste. I know that if you examine the history of legislative measures in this country you can surely find precedents in which legislation was rushed through in the course of one sitting. You know that the Official Secrets Act was rushed through the Imperial Legislative Council in the course of a few hours. We also know that the Bengal Ordinance was issued in a few minutes. You may do that if you like You have been empowered by law to do it, but I submit that it would not be right. It would be morally indefensible Why do you not take the people into your confidence ? The publication of the Bill in the various vernaculars of this vast country will serve as a sort of deterrent Mischief mongers will come to know that there is trouble brewing for them within the walls of the Legislative Assembly. They will know that it is not safe to insult the religious feelings of other communities. Why should we suppose that there will be peace and good will in the country to-morrow if we pass this measure this evening ? It is a wrong belief altogether. Do you know what the Press of this country has said about the measure ? There is the *Statesman* of Calcutta, there is the *Hindu* of Madras and there is the *Indian National Herald* of Bombay. There are other newspapers in the country which have criticised this measure very severely. They are all opposed to the proposed new legislation. Are we to ignore the opinions of all these newspapers ? Are their opinions to be cast to the winds ? Should no importance be attached to the opinion of people who educate the public ? If you ignore the opinion of such important newspapers, I can only say that the House will be abusing its authority. I hope that the electors will remember the conduct of their present representatives in future elections You rush to the villages for votes at election times, you coax the villagers in all possible ways but when you are elected to the Assembly or to the Council of State, you clean forget your masters. You say here that they are ignorant people, that they cannot read and write, that you are the custodians of their interests and that you are the really enlightened people. You fancy that you can

[Mr. D. V. Belvi]

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hands of the Government to enact such measures so as to enable us to live in an atmosphere of peace. (*An Honourable Member* : "And that from a Swarajist ! ") Swarajists or anti-Swarajists, we have come here to co-operate with the Government. When we entered the Legislature no doubt there was a talk of obstruction. But ever since I came here, I have been seeing that we are helping the Government in several Committees, and I do not see any reason why in a measure like this, which is calculated to bring about peace and harmony between the different communities we should not strengthen the hands of the Government. Sir, I do not understand the reason why we should defer legislation on an important question like this Sir, it is pointed out that section 153-A. is sufficient, but unfortunately, owing to the famous judgment of Justice Dalip Singh, we have found that several eminent lawyers and people who can be quoted as authorities on law have admitted that there are loopholes in the law, and we have therefore to shut up those loopholes We have to look to the present state of affairs in the country I have only yesterday received a Resolution passed by the Mussalmans of Bezwada which runs as follows —

> "The Mussulmans of Bezwada strongly comdemn Telugu dramas of 'Roshanara', 'Jowharibai', 'Zaibunnisa', 'Fall of Vizianagar', and such of their ilk as untrue, defamatory and mischievous, and protest with all the emphasis at their command against their publication and staging in the Andhra Districts and elsewhere, as they are calculated to insult Mussalman religion, Mussalman Emperors, Kings, religious heads, Mussulman Princesses and women in their modesty and chastity
>
> The meeting brings to the notice of the Government that the dramas are defamatory and provocative, breed hatred and contempt, and promote feelings of enmity between communities The Mussulmans are greatly exasperated This meeting declares emphatically that Mussulmans cannot bear such insults Prays Government to take immediate steps to cancel licenses for the above named dramas, prohibit staging, proscribe the said dramas and take legal action against authors and publishers of the said publications"

Sir, this only [illegible] the country at large. I cannot agree [illegible] there is discontent only in the Punj[illegible] Dalip Singh in the *Rangila Rasul* case huge monster meetings were held in several parts of India and the demonstrations only went to show the extent of feeling which prevailed in the country. Sir, I am not advocating the cause of the Mussulmans only. It is possible that some Mussulman writers may write against other religions. (*An Honourable Member* : "We do not agree ") You may not agree, but as an Indian it is my duty to see that peace and harmony is brought about between the different communities ; as a Mussulman, as one whose religion enjoins peace upon him, it is my duty to see that my fellow-countrymen should also live in peace. I do not want that there should be any provocation on the part of the Mussulmans which might incite the religious feelings of the Hindus Such being the case, it is only necessary that we should enact a law of this kind as soon as possible. My friend Mr A. Rangaswami Iyengar said there may have been occasions when Judges have with the most *bona fide* intentions interpreted the law in a manner contrary to custom But the point is that nobody knows whether there may not be similar occasions hereafter. It is possible that in future there may be other Dalip Singhs, who, with the best intentions, may think that there is a loophole in the law and that a particular act does not come within the purview of that law.

Mr. T. A. K. Shervani (Cities of the United Provinces: Muhammadan Urban): There are Dalals

Mr. Abdul Latif Sahib Farookhi: My frined, Mr. Shervani, says that there are Dalals also; but we know, Sir, that if there were only judgments of Dalals, then we need not have come to the House to ask for such legislation. Sir, it is also pointed out that this Bill is very wide and will take a large number of offenders under its purview, but I feel that there is a very strong safeguard, inasmuch as it gives discretion to the Government to decide and sanction a prosecution. (*An Honourable Member*: "That is very dangerous.") My friend says that it is very dangerous. But sometimes we require such dangerous safeguards (Hear, hear), and Sir, I am quite confident that the Government will always see to it that prosecutions are not sanctioned unless there is a strong reason and ground for sanctioning such prosecutions. (*An Honourable Member*: "There may be merely a strong agitation.) Sir, it is also said that this Bill would put a restraint on scholars, historians and those who are trying to search after the truth But my submission is, Sir, that in the Report of the Select Committee the word "deliberately" is inserted, and therefore it would go to obviate such dangers. Sir, my friend, Mr. Belvi, referred to the speeches made at Aligarh and said that the Government failed to take steps against those speeches. First of all, Sir, I am not prepared to admit that those speeches were objectionable Even granting, however, that they were objectionable, and even granting that the Government failed to take action against those speeches, is it necessary, or is it advisable on the part of Government, now, to fail in their duty to enact such a law? If the Government once failed to do its duty, it is not necessary that it should always fail to perform it. Then, again, Sir, my friend, Mr Belvi, said that this law will be as hard on Moslems as on Hindus. Well, Sir, I shall not regret it. If any Moslem really and with deliberate intention to wound the religious feelings of Hindus does anything to provoke them, I think that Moslem should be punished, and I wish all the more that a Moslem who really deserves punishment should be punished, and therefore I think the Moslems will not regret that. Let it be as hard on the Moslems as it will be on the Hindus (*An Honourable Member*: "And on the Christians.") Then, Sir, my friend, Mr. Belvi, also said that no Mussalman publicist was included in the Select Committee, and he expressed the confidence that if any Mussalman journalist was there, he would have surely signed the minute of dissent written by several other gentlemen most of whom belong to the class of publicists Well, Sir, I feel that I have the privilege to belong to that class of people — I am the editor of a daily Urdu paper (Hear, hear)—and if I were on the Select Committee, surely I would only have agreed to differ with those who wrote the minute of dissent. Sir, several papers have pointed out the necessity of such a law. Even the *Statesman*, if I remember correctly, wrote that there are loopholes in the law and those loopholes should be shut, and I can say with some amount of confidence to this House that the whole Mussalman Press, irrespective of the political thought it advocates, is in favour of enacting such a law. In conclusion, Sir, before I sit down, I shall only point out to my friend, Mr. Belvi that to circulate a measure like this which already went to a Select Committee where many eminent lawyers like Mr Jinnah were present

and where every possible safeguard was included, for eliciting public opinion is unnecessary in my opinion, and it will only be delaying a necessary legislation. Sir, yesterday several arguments were advanced in favour of doing the needful at the proper time. My Honourable friend, Mr. Jayakar, asked the Home Member whether he should not use his own discretion and decide the matter on its own merits Here then is also a case where the matter should be decided on its own merits : and it is unnecessary, after it has gone through several stages, through the Select Committee also, to circulate this Bill for eliciting public opinion. Sir, in conclusion, perhaps this is the first day that I have had an opportunity to congratulate Honourable Members on the other side (Hear, hear), and I think that I should not be ashamed of doing it if I only think it my duty to do so as a representative of the people, and therefore, Sir, I have to thank the Honourable the Home Member for having done his duty at the proper time and for having taken care not to allow things to drift to such a state as would prove to be disastrous : and therefore, Sir, I thank the Honourable the Home Member and congratulate him on the important steps that he has taken so promptly

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) Sir, I myself feel ashamed that the conduct of the inhabitants of this country should necessitate the enacting of a measure like this. The freedom of speech and the freedom of the pen are, Sir, the most cherished rights of civilised nations in the world, and if after a century of British rule in India we are not capable of using both our tongues and our pen with care and with decorum, I am afraid we cannot congratulate either ourselves or the Government on bringing the Bill on to the Statute-book Sir, most of the legal enactments and legal measures are intended to restrict human action and the freedom of mankind to a certain extent Not only do the laws enacted by human agency bring such restrictions, but also the laws which are considered by different communities as enacted by super-human agency also bring restrictions on the freedom of human action, and therefore we cannot condemn any Act of the Legislature solely on the ground that it is calculated to restrict the freedom of human action. Sir, the laws enacted in a country are the index of the state of civilisation of that country and the Legislature of every country at every time follows the standard of civilisation of that country The higher the level of civilisation of a country rises, to the same degree the Legislature of that country becomes more liberal and more elastic As an example, I may point out that in some countries in Europe capital punishment has been abolished ; but if the example of those countries were followed in India, I am afraid the number of murders and assassinations would increase to an alarming degree. (*An Honourable Member* : "Question.") The laws enacted by the Indian Legislature are not unalterable like the laws of the Medes and Persians. When the state of affairs in the country improves and the level of civilization is raised to such a degree that moral force will be able to stop the scurrilous use of pen and tongue, not only this but also many other enactments of this character will disappear from the Statute-book of the country. But now when it is admitted on all sides that scurrilous writings and speeches are becoming more numerous and more provocative than ever, we will be failing in our duty if we do not lend our support to the passing of this Bill. I do not claim that the Bill under discussion is quite perfect and

[Maulvi Muhammad Yakub.]

free from all objections When it was introduced first in this House, I myself said that it was too wide and too indefinite and, although the Select Committee has amended the Bill in desirable directions, still I must confess that it is not in any way altogether unimpeachable However, like any other imperfect measures of the Legislature, the necessity for its being brought on the Statute-book is established, and it is with these feelings that I feel constrained to support the motion of the Honourable the Home Member.

Mr. B. P. Naidu (Guntur *cum* Nellore . Non-Muhammadan Rural) : Sir, I am sorry I cannot congratulate the Government, like my Honourable friend Mr. Farookhi, on their bringing forward this Bill. I have listened with great interest and pleasure to the analytical and humourous speech of my Honourable friend Mr. Kelkar. Sir, in my opinion this is a piece of panicky legislation for which there is no real necessity at present. The law, as it stands now, I understand, is enough to cover and meet the prevailing communal antagonism in the country. That being so, why impose upon the people a measure which is capable of doing considerable harm in several directions ? As my friend, Mr. Roy, has put it, it puts a premium on religious intolerance and bigotry. I will go further and say that it will also encouraged gross superstition. At a time when we are desiring progress in all directions, a measure of this type will stifle liberty of thought and expression and, I am afraid, will deal a death below to religious and historical research Hinduism, which is considered to be a most catholic religion, would not have attained to its present high position but for the free atmosphere in which its votaries lived and died There are a number of sects in the broad fold of Hinduism and the diversity of their thought is the strength and greatness of Hinduism. I am sure India will not in any way be the poorer for the want of this Act, which, after all, serves no good purpose.

Mr. B Das (Orissa Division · Non-Muhammadan) ; Sir, I rise to oppose the consideration of the Report of the Select Committee before us. Sir, last year at this time in the Simla Session, when the Honourable Sir Alexander Muddiman brought forward his amendment to the Criminal Procedure Code, section 153, I had the privilege to oppose it at every stage. Sir, I then said that Government had ample powers in their hands and there was no necessity for further legislation ; and Sir Alexander Muddiman at that time did admit that they had ample power in their hands, but they wanted that particular legislation in order to do away with the communal spirit in the country. I find that the enactment of that piece of legislation has brought more communal discord in the country and to-day we are going to enact another piece of legisiation in the name of religious amity. How can an alien Government legislate to set right religious disputes in the country ? I do not think the Government can. The Government have got ample power. Sir, at that time I quoted from the *Statesman* a passage which equally applies on this occasion. Sir, the *Statesman* which was previously known as the "Friend of India" occasionally even now writes certain leading articles in the spirit of a

friend of India, and last year the *Statesman* wrote while protesting against that piece of legislation thus :

" .... but the operation of the new law may well prove an additional incitement. Sir Alexander Muddiman raises a question that goes back further in history than the time of Milton, but which Milton settled for reasoning men in his *Areopagitica* when he uttered his memorable protest against the licensing or prohibiting of books "

The paper further observed

" In India bad law and bad journalism have for too long gone side by side Who began it is no longer a matter of importance, but irresponsibility in journalism has evoked oppressive legislation and that in its turn has led to a greater irresponsibility "

If that was the view of the *Statesman* last year, I will enlighten the House about the view of the *Statesman* this year which further confirms the view of many sensible and responsible persons in the country that this piece of legislation is unnecessary. Sir, the *Statesman* in its very able editorial about this Bill says

" The spirit of the Bill is only to be paralleled in English legislation by reference to the times of Queen Mary and Queen Elizabeth, when the rival religions of Rome and Protestantism were struggling for the mastery If this Bill becomes law there are classic books which cannot be published in India without danger of prosecution of those who print or circulate them "

In another passage, it further says

" No real discussion of religious questions, even if they be purely historical, will be permissible Had a law akin to this been in existence in France, Renan would probably have ended his days in prison after writing ' La Vie de Jesus ' Voltaire would certainly have done so. The fact is that the difficulty of the *Rangila Rasul* case has rushed the Government into a thoroughly bad piece of legislation."

I shall stop here It may be that there was a flaw in the law. It may be that Justice Dalip Singh pointed out where that flaw was. But it is not a right move to bring forward this piece of legislation. I was surprised the other day although my friend Sir Hari Singh Gour pointed out, in order to bring out certain amendments in the Penal Code in the Select Committee, which sections applied to which kinds of offence and no further legislation was necessary, I find that my Honourable friend Sir Hari Singh Gour, though he was put on the Select Committee has not brought out anything which helps us to understand the law.

Mr. N C Kelkar : He did not attend the Select Committee.

Mr. B. Das Sir, it was due to your kind intercession that the Honourable Member Dr Gour was put on the Select Committee.

Mr. President : Was the Honourable Member on the Select Committee ?

Mr. B Das : The Honourable Dr. Gour was put on the Select Committee owing to your intercession, Sir.

Mr. President : Was the Honourable Member himself on the Select Committee ?

Mr. B Das : I was not on the Select Committee, Sir, nor did I want to be on the Select Committee I am not a lawyer. I belong to that profession to which my Honourable friend Messrs Roy and Moore belong. I happen to be a journalist in my leisure hours and I edit the *Young Utkal* for the uplift of Orissa. I am sorry to hear that my Honourable

[Mr. B. Das.]

friend Mr. Farookhi, who is a Mussalman journalist, made the speech that he did supporting this measure. I submit that journalists have additional responsibilities besides making occasional speeches on the floor of this House.

Mr. Abdul Latif Sahib Farookhi : It was because of the additional responsibility as a journalist that I made the speech that I did

Mr. B. Das : Before proceeding further, I must congratulate my Honourable friend Mr. Farookhi on the speech which he made in support of the Government.

Mr. President : That is not the issue before the House.

Mr. B Das : Sir, I ask him to join our party as we are responsive co-operators too. I also ask him to oppose this measure because he belongs to the same profession of journalism as I do. When a journalist makes any suggestion, it goes throughout the country Any opinion that we journalists give on the floor of this House is always read all over the country We, journalists, have great responsibilities, because we always shape public opinion ahead Before the public can think of a thing, it is the journalist that, by his investigation of the problems, brings out the problems with a view to shape public opinion When my Honourable friend Mr. Farookhi said that had he been on the Select Committee, he would have differed from my Honourable friends Messrs Roy, Moore and Chunder, I felt sorry that as a journalist he should have spoken like that. I feel that the responsibilities of a journalist are far greater than of other people. I find, Sir, that the *Englishman* of Calcutta, which is always so unfriendly to India, writing on this Bill says that this will serve no useful purpose.

Mr. T. C. Goswami (Calcutta Suburbs : Non-Muhammadan Urban) : Is there such a paper ?

Mr. B Das : My Honourable friend Mr. Goswami who comes from Calcutta ought to know the *Englishman*.

Mr. T. C. Goswami : I have not seen it for ages.

Mr. B Das : In view of the very strong agitation that has been set up by the best class of papers in India and in view of the strong comments that are being made by my Honourable friends Messrs. Moore, Roy and other journalists, I hope every Honourable Member of this House will oppose this piece of legislation If the Government pass this measure, it will give additional power in the hands of district officers, some of whom are sitting behind the Government benches. But they would find that this additional piece of legislation has set them wool-gathering. If they want to suppress a certain agitation that is going on, or if they want to put down scurrilous writings, they can easily do it. They have got enough weapons in their hands at present and why add additional power to them. As my Honourable friend Mr. Belvi rightly pointed out, this will only lead to further agitation by the followers of the various sects, by the followers of Gurus, bogus Gurus, of bogus Avatars scattered all over India. I feel that this Bill is not going to serve any useful purpose.

With these words, Sir, I oppose the motion for the consideration of the Select Committee's Report.

Mr. A. H. Ghuznavi (Dacca Division : Muhammadan Rural) : Sir, as a signatory to the Report of the Select Committee, I feel that I should speak on this Bill. Sir, this Bill which has been introduced here is the outcome of that unfortunate decision of a learned Judge of the Punjab High Court, I mean the decision of the Honourable Mr Justice Dalip Singh in the *Rangila Rasul* case. From what I have read in the papers, I think that the learned Judge held that insulting a Prophet was not insulting a religion and that therefore the learned Judge could not convict the accused under section 153-A. He further suggested that legislation might be undertaken to bring these kinds of culprits to book. Sir, that extraordinary judgment gave rise to a considerable amount of discontent, not only in the Punjab but all over India The agitation went on from one end of the country to the other, and the Muslim feelings became extremely bitter In various meetings, perhaps including the one at which Sir Abdur Rahim presided, resolutions were passed asking the Government to remove the learned Judge who gave that extraordinary judgment.

Raja Ghazanfar Ali Khan (North Punjab Muhammadan) · May I ask the Honourable Member to read out that resolution ?

Mr. A. H Ghuznavi . I am sorry I have not got that resolution here, but I shall show that to the Honourable Member to-morrow Sir, in the Punjab it brought about a serious state of affairs Fortunately the destinies of the Punjab were in the hands of His Excellency Sir Malcolm Hailey at that particular time In reply to a deputation from the Mussalmans, His Excellency, I understand, assured them that he would move the Government of India to undertake legislation of this kind. As a layman, I do not know whether that step was necessary. I thought the best thing for the Government of the Punjab would have been to move against that order of the learned Judge and ask the High Court of Lahore to form a full Bench and give an authoritative decision on the law point However, I am told that in another decision, that is the *Risala Vartman* case, the acting Chief Justice, Mr Broadway, and Mr. Justice Kemp practically overruled the judgment of the learned Judge, Mr. Justice Dalip Singh.

Lala Lajpat Rai : They did not overrule the judgment in the *Rangila Rasul* case.

Mr. A. H. Ghuznavi : That was my information. I may be wrong. My further information is that they said that it would be better if the law were to be made clear on the point, and hence the necessity for this Bill

I will not deal with my Honourable friend Mr. K C Roy just at the present moment but I will deal with the Bill first.

Sir, this Bill was considered in the Select Committee with the assistance of the eminent lawyers of India—Mr. Jinnah, Mr. Srinivasa Iyengar, the late Advocate General of Madras, Mr. Jayakar and Pandit Madan Mohan Malaviya. They are all eminent lawyers (*An Honourable Member* : " Every one of them ? ") Yes, Sir, every one of them. They considered the Bill, and what was their conclusion ? At the outset those of us, members of the Select Committee, who are laymen, must express our

[Mr. A. H. Ghuznavi.]

gratitude to those lawyers for explaining the whole thing to us. Section 295A which was revised now reads as follows :

"Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of His Majesty's subjects, by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or religious beliefs of that class, shall be punished with imprisonment, etc, etc"

These eminent lawyers have explained to us that by adding those words "with deliberate and malicious intention of outraging the religious feelings of any class" we safeguard people making fair comments and expressing their honest views as regards religious beliefs. We thereby safeguard them.

Mr. M. A Jinnah (Bombay City : Muhammadan Urban) : We safe guard an honest man.

Mr. A H Ghuznavi : Thank you, Sir Then they say by adding "the religious beliefs" of that class we bring those culprits to book who attack on a founder of a religion also and cannot be brought under section 153-A. My Honourable friend Pandit Malaviya and my Honourable friend Nawab Sir Abdul Qaiyum wanted it to be made clear.

Mr. A. Rangaswami Iyengar : On a point of order, Sir. Can the Honourable Member refer to the proceedings in Select Committee ?

Mr. President : Order, order.

Mr. A. H Ghuznavi . They wanted, Sir, to make it clear by giving illustrations in the Bill, so that there may be no difficulty for a court in coming to a proper finding. We discussed that and afterwards we were unanimous,—after hearing from Mr. Jinnah, that this would cover that and there could be no apprehension that the court would not be able to come to a proper conclusion

Although, of course, Mr Jayakar pointed out to us the difficulties that would arise, if examples or illustrations were given.

Mr. A. Rangaswami Iyengar : On a point of order, Sir. Is the House at liberty to discuss what transpired in the Select Committee ?

Mr. President : Is the Honourable Member discussing what happened in the Select Committee beyond what is actually embodied in the Report of the Select Committee ?

(*Some Honourable Members* : Yes.)

Mr. K. C. Roy : It is a misstatement of fact also.

Mr. President : The Honourable Member is not justified in referring to the conversations in the Select Committee if they are not embodied in the Report.

Mr. A. H. Ghuznavi : I am not referring to anything else, Sir. Personally, Sir, I am satisfied that this Bill as amended meets the requirements at the present moment Furthermore, I am also of opinion that the sentence provided for in the Bill is sufficient for the purpose, and that no increase of sentence should be made. Then, Sir, I am for making the offence "bailable" and not for making it "non-bailable"; if it is made non-bailable, the poor man will never have an opportunity of defending himself properly. In non-bailable offences it is our experience

that it is very very difficult to get a magistrate to grant bail and it is only men with money and influence, men who can engage counsel like Mr. Jinnah, who can ever think of getting bail ....

Mr. M. A. Jinnah : May I point out to the Honourable Member that the offence is triable by the Court of Session or the Presidency Magistrate and not by " a magistrate ".

Mr. A. H. Ghuznavi : Yes, Sir , that is so ; but even in such cases he cannot get bail unless he can engage counsel like you (*Honourable Members* " Question ") Usually bail is not granted for these non-bailable offences and it is with the greatest difficulty that it can be got. Surely you do not want to put that man in the lock-up and not allow him to go out and prepare his defence by making the offence non-bailable What does it matter if it is non-bailable ? He will not escape , you can put the bail as high as you like .

Mr. K. C. Neogy (Dacca Division Non-Muhammadan Rural) · The Committee has made the offence " bailable " What is your complaint ?

Mr. A. H. Ghuzvani : But the minority want it to be made " non-bailable '

Mr. M. A Jinnah : Wait till the amendment comes.

Mr. A. H. Ghuznavi Then, Sir, I would answer in one word my Honourable friend, Mr K C Roy Mr K. C. Roy has said that this Bill, as amended, will not serve the purpose for which it has been brought forward. We shall not take that advice from my Honourable friend Mr. K C Roy. We shall take advice from the eminent lawyers who were in that Committee ; and they tell us that this will serve the purpose.

Mr. A. Rangaswami Iyengar : It is not a legal matter.

Mr A. H. Ghuznavi . With these words, Sir, I support the Bill, and I hope that this House will pass this Bill unanimously and not ask for a division, and thus show to the whole of India that the differences between the Mussalmans and the Hindus are gradually coming to an end

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province Nominated Non-Official) · Sir, I just want to say a few words in support of what the last speaker has said. I am surprised to see that so many members of the Select Committee, who had discussed the measure very thoroughly in the Committee Room, should now speak and urge diverse views and opinions on this subject I thought we had all come to a somewhat unanimous verdict on the subject, but when I saw the minutes of dissents and the majority and minority views and also several notices of amendments, I thought that what I had seen in the Committee Room must have been a mere dream. The Honourable the Home Member gave every opportunity to the members of the Select Committee to find some such solution of the difficulty and to limit the law to such an extent that it may be acceptable to the country, *i.e.*, to minimise the effect of the law and to bring in as few persons within its purview as possible. Sir, if I had only been allowed to go into the details of the discussions we had—and you, Sir, have ruled that we should not go into it—I would have been able to prove that several measures and solutions were suggested to meet the difficulty but that this was found to be the

1 P.M.

[Nawab Sir Sahibzada Abdul Qaiyum.]

simplest of all. Some simple explanation to section 153-A was also suggested in the Select Committee, instead of enacting a new section. Sir, what I have to say is this, that, as far as I could make out, there was no ulterior motive on the part of the Government in bringing in this measure, namely, to put a wider net so as to bring in too many journalists or too many public speakers or social reformers within the clutches of the law. The Home Member was face to face with the difficulty created for him by the Press of both the communities If the Hindu Press had only said that the existing law containing section 153-A was not open to a different interpretation and that it was only the casual mistake of a certain Judge to interpret it in a certain way, perhaps this difficulty would not have arisen But, Sir, as far as I can remember, there was not a single Hindu paper in Northern India, which *did not in one way or other try to* support the Judge who had put a certain interpretation on this section They were almost unanimous in their opinion that the law was open to a different interpretation, and it was to safeguard against that and to make the position quite clear, that most of the Muslims wanted to bring in some sort of legislation on this subject. Well, Sir, I am not going to say more on the subject. But what I should like to say is this, that if the law is not made clear now, a similar interpretation may be put on the section in future and the difficulty will always exist. Sir, I do not know how we can make it safer for the country to interpret section 153-A as covering all these *offences* except by some modification of that very section or by bringing in some new section of the sort as is proposed in this Bill. The difficulty is there and the future possibility too is there! Sir, I see from the speeches of some of the Members and also from the amendments put down by some that the blame is generally attached to the Mussalmans for having raised a hue and cry for bringing in a new law. Well, I for one will accept that responsibility or blame, Sir, and my reason for that is simple. Sir, a new religion has of late sprung up in this country, which is spreading very fast. Whether it is a new religion or the revival of an old religion, I am not sure, but a new movement in the name of Arya Samaj has sprung up in this country and has been carrying on a regular campaign of Shuddhism and various other activities. As far as I [illegible] vement, it is chiefly confined to abusing [illegible] beliefs, as against exposing something [illegible] may be other religions and sects of religions in this country, who may be able to tolerate that, Sir, but my religion, Islam, teaches me, Sir, not to criticise or vilify the founders of religions or any sacred persons of any religion in the world and here is my difficulty. (*An Honourable Member*: "It teaches peace.") If I had only been able to return tit for tat or to give some suitable reply to the abusers of my religion I should not have minded *it, Sir*; *but our difficulty arises in that* we cannot abuse or *utter any* bad words against any saint, and this is why the Mussalmans seem to be more anxious to secure immunity for their Prophet and also for the Prophets and saints of others, Sir. That is all I have to say, Sir.

Mr. Amar Nath Dutt (*Burdwan Division: Non-Muhammadan Rural*): Sir, I want to make my position clear before I say a few words why I oppose this Bill. There are certain amendments that stand in my

name which give my Muhammadan fellow subjects the right to prosecute and have those punished who insult their religion and who insult their religious belief, because a demand has come from the Muhammadans for a legislation like this But for myself and for members of other communities, I make bold to assert that we do not require any such protection and we have not asked for it.

Mr. K Ahmed : What about the poor judge ?

Mr. Amar Nath Dutt : Sir, I am sorry that more than one speaker has made flings at the Honourable Judge who gave judgment in that famous *Rangila Rasul* case His judicial wisdom has also been questioned and his knowledge of law has also been questioned by laymen (*Mr K. C. Neogy* : " Shame.") Sir, I was sorry that even such a sober friend of mine, as Mr. Farookhi went the length of saying something against Mr. Justice Dalip Singh, and I think it were better if he had been silent on this point But when worse passions are aroused, probably we lose the balance of our mind At the same time I shall be failing in my duty if I do not give in plain words the genesis for this legislation, the reason why Government have taken so much pains to undertake a legislation like this It has been said that there was a demand for the removal of the Judge I do not know whether any aggrieved litigant has a right to demand the removal of a Judge. If any litigant had that right, I think no Judge would be safe to deliver any judgment in this land. I was going to submit the genesis of this legislation. Many of us in this House, especially my Honourable friend Mr. Ghuznavi—I do not find him here now—are aware of the favourite wife policy of the Government, and my Honourable friend Mr. Ghuznavi—of course as he is not here, I do not know whether it is proper for me to make any reference to him ; I am not referring to him in any personal capacity—presided over one of those anti-partition meetings and he was at that time considered by the Government as the wrong Ghuznavi and the right Ghuznavi was for some time Minister, but be that as it may, he may remember those days and my Honourable friend the Law Member also may remember those days, and the favourite wife policy of the Government. I do not know that even at this late hour, when we are on the threshold of fresh constitutional reforms, we should be faced with such retrograde measures which smack of the favourite wife policy on the part of the Government. We are aware how the Government found it hopeless to wean away the best men among the Hindus to their side and make them accept the reforms. They saw that their only hope lay in pandering to the worst instincts of other communities, and this legislation is one other instance of that. For some time, Sir, I regret to observe, some of our leaders took to that policy of the Government imitated that policy of the Government, which resulted in such regrettable things as pacts, etc., in Bengal and elsewhere I beg to submit that two wrongs do not make a right and that things which have no righteousness and honesty behind them will never succeed That was the reason for the failure of many of our political agitations I hope the same fate will await the Government so long as they pursue the policy of setting one community against another. I believe, and thoroughly believe, that this agitation against the *Rangila Rasul* case was wholly artificial. It was got up by certain individuals (*Mr. Abdul Haye* : " Question "), for their own interest. I also believe that this Government know this, and they have brought forward this legislation to pursue that favourite wife

[Mr. Amar Nath Dutt.]

policy. My reasons for charging the Government with this policy behind it are these. There have been woeful tales of murders of Hindus and leaders of the Arya Samaj. The Government have a ready weapon in their hands to deport gentlemen like Mr. S. C. Mitra and men of his type, but they did not move to put an end to murderous conspiracies by deporting men connected with conspiracies against the lives of Hindu leaders. The Arya Samajists were ready with evidence of conspiracy behind these murders, and the Government did not move an inch although they had that handy weapon, Regulation III. All these things go to show that the Government were pursuing the favourite wife policy and I charge the Government with a deplorable lack of statesmanship.

Nawab Sir Sahibzada Abdul Qaiyum : Go to the frontier and you will see which is the favourite wife policy.

Mr. Amar Nath Dutt : I am not going to hear you I heard just now from you of the springing up of a new religion in India. I do not know many centuries ago the ancestors of my Honourable friend, who characterised the religion of the Arya Samajists as a new religion, came here, but the Aryans came here, according to Lokamanya Tilak and other scholars, from their " Arctic Home ", some 5,000 years ago (Laughter) There is nothing to be laughed at. It shows a deplorable want of knowledge of history. (*Some Honourable Members* : " Go on ".) The members of the Arya Samaj have been called the followers of a new religion. I challenge any one in this House to prove that the Arya Samajists are the followers of a religion which has come into existence only recently and not 5,000 years ago They are the followers of our ancient Vedas and other scriptures during the compilation of which there was no other religion in this world. To characterise that religion in the way it has been done, is certainly provocative, and had it not been directed against a very peaceful community, namely, the Hindus, I think there would have been more agitation that there has been in this particular case.

Sir, I would like to submit one or two points as to why I oppose the Bill being taken into consideration at all I am clearly of opinion that the existing law is adequate to deter people from scurrilous attacks upon religion or vulgar calumnies upon sacred characters. The outstanding feature of the psychological hesitancy that is apparent on the face of the Report of the Select Committee and the amendments proposed and adopted, leads to the only inference that every member of the Select Committee was attempting how best to make an egregious measure acceptable to the public. The result has been a texture of maudlin spider's web, in which the warp of intolerance has been crossed by the woof of fatuous reasoning. I think it is insulting to the intelligence and dignity of a Legislature, to go out of its way for protecting religious beliefs and feelings which may be deliberately, maliciously and intentionally outraged. Paragraph after paragraph has been incorporated in the Report of the Select Committee to fence round the object of legislation, but the final emergence has been an evanescent fantasy, which the whole range of psycho-physicists including the Superintendents of Mental Hospitals of Ranchi and elsewhere will find it difficult to touch. But, as everywhere else, the initiative has been left in the repository of all powers in India, to avoid " factitious or vindictive proceedings " This provision means that the Government will

judge for themselves the religious belief of a particular class who may have to apply for initiation of proceedings under the present legislation. Sir, I, as a Bengali Hindu, cannot suppor[illegible] of our own conscience, which is after all the [illegible] and beliefs. Nor am I willing that our Hind[illegible] be discussed by Magistrates and Judges in t[illegible] and outwitting, and in the factories of affidavits and statements. I have not forgotten that one of the modern prophets of up to date Philistinism, Miss Catherine Mayo, has wired across the seas that there are plenty of saints among the medical missionaries and civil servants in this country. But I am still unwilling as a Hindu to substitute them, even in our mental horizon in the place of Rishis and other authorities of our religious hierarchy. So far as I am aware of the views of my own people, I must characterise this piece of legislation as an impudent trespass, and I feel it my duty to speak out that Bengali Hindus do not need any protection of the kind For nearly a century the Hindus have passed through the grossest abuse and vituperative attacks on their sacred beliefs and convictions by Christian missionaries and communal fanatics. Kali, the mother, Sri Krishna, the soul of India, have been their targets of attack. The Hindu community has survived all that and will survive till the eternity of time, all such ebullitions of prattling ignorance and aggressive bigotry. Our faith has remained unshaken in spite of the effervescence of the boiling pot of India, where it is laid down in our Shastras that all these trials and ordeals will bring out in brighter relief the immutable and eternal gold, the faith of Aryavarta. It needs no utilitarian and opportunistic class baiting of the Legislature to protect itself The Honourable Mr Crerar has let the cat out of the bag, by agreeing with Mr Jinnah, that the offence contemplated should be non-bailable. Surely, the yielding to clamour cannot be complete without this, and I shall not be surprised if this is carried. Sir, I shall be failing in my duty as a member of the premier community of India if I do not bring before you the lessons of an episode of *Sri Krishna When he was dancing on the hood of Kalya, the serpent* king was vomitting poison on the feet of the boy-god. Sri Krishna asked him why he was spitting poison. The serpent king replied " My Lord, you have created me with poison in my mouth , do you think I shall emit anything better " Brothers and sisters who inhabit India to-day ought to learn that the rancour, hatred, spite, venom that are surging in the thought current of India to-day are the only offerings we are making to the God of India Think of God as the lover and solace as the protector and preserver, as the fountain head of all that is good, noble and peaceful, raise the level of culture, education, good will and trust. Then and then only you will not feel outraged either with Chauvinism of a foreign people or the intolerance of your own people. You will not then have to requisition the powers of initiative of self-appointed and self-anointed peace makers to defend your faith. I cannot conceive of a greater depth of degradation for Indians than this, and I trust and hope that this House will not succumb to the unscrupulous forces around us but will stubbornly rise against a measure which is calculated to foment disunion amongst Indians for the benefit of the foreigners and is subversive of the liberty of speech and the Press With these observations, Sir, I beg to oppose the consideration of this Bill.

Mr. T. A. K. Shervani : I do congratulate the Select Committee on limiting the scope of the Bill, but I feel the Bill, as it stands, is still

[Mr. T. A. K. Shervani.]

more capable of mischief than of protection. I would have liked the Bill limited in its scope to the protection of the founders of religion only from scurrilous attacks and would not have indulged in importing into it certain undefined terms which are imported into these sections. Sir, personally, as I said in the beginning, when the principle of the Bill was being discussed, I do not want any enactment like the present measure. I feel that enactments like this, instead of stopping fanaticism will encourage fanaticism. I do not know why this demand has come from Muhammadans. I would simply say to my Muhammadan friends that my Prophet is a historical personage ; he has got a living history behind him. Do I require to protect my Prophet through a Legislature like that of India ? My friends say that certain people do write things which injure our feelings. But if a man chooses to go to hell to find out certain defects in Islam, let him go to hell Why should I get enraged ? If anybody calls my Rasul rangila, I would say that he is a personage who transformed a race, ferocious, barbarous and vicious, into the conquerors of the world in 23 years. Well, if Rasuls like that are rangila, I would pray God to bless every community with Rangilas like that. I am really surprised that my co-religionists are so very excited over the affair. I come here in the capacity of a representative. Unfortunately, four cities out of seven who have returned me have passed resolutions in favour of the enactment. Therefore, although personally I am against this enactment, I cannot oppose it. My friend Mr Farookhi thinks that there are certain loopholes in the existing law and in order to fill those loopholes he says we require this law. Let me assure my learned friend that there will always be as many loopholes as there are members of my honourable profession. (Laughter.) If you cover one loophole, ten more will be created. We live by creating loopholes So by this enactment you will neither protect our Prophet nor will you cover the loopholes ; the probability is that you will create more loopholes As regards the complaints about certain dramas and things like that, I laugh at them The writer of the play " Roshanara " does not know that Aurangzeb had no daughter of that name. If people pervert historical facts, let them do it. It does not harm me. History is history, let them learn and realize that wrong facts lead to absurdity. But if you will insist upon their stopping such dramas, the dramas will become more popular and excite the curiosity of the people to see it. Man after all likes sensation I therefore submit that it is the biggest folly to attempt to protect by legislation religious personages or religions These acts are done by fanatics. But a fanatic, when he does a thing like that, thinks that by insulting, killing or doing some other things like that, he will go straight to Heaven. What does he care for legislation ? (*An Honourable Member* . " He thinks he will go to Heaven ".) So, as a matter of fact, by this kind of legislation you cannot prevent fanatics from doing such things ; while sane men will never commit acts like that even when there is no legislation (*Mr. K. Ahmed* : " Send him to jail, and he will not do a thing like that ") And thus this whole piece of legislation is rather futile

Nawab Sir Sahibzada Abdul Qaiyum : A good sermon from the pulpit ! (Laughter.)

Mr. T. A. K. Shervani : Well, I am not in the habit of delivering sermons, I have been all through listening to the sermons, I am presenting

only a common sense view before the Honourable gentleman over there. Can ... ust consider your own ... is a member of a comm ... judgment. The members of a particular community are abusing the judge. Why should you abuse him? He may have committed an honest mistake. There is the other community, more cultured, more literate, which is making a hero of that judge. Are these mentalities to be encouraged? I deplore these tendencies; whether it may be on the part of my own co-religionists to abuse a particular judge, or whether it may be the sister community to make a hero of him. (Laughter)

Sir, I have one more remark to make about co-operation, all of us should take a lesson from it. We have to co-operate with the Government when religious and communal fanaticism are rampant, it is the curse of our country and a stronghold of co-operation; I should not congratulate myself on co-operating with the Government when I have to protect my religion. Do I need co-operation with the Government to protect my Prophet from the attacks of certain fanatics when I believe that my Prophet is protected already by divine laws and history from scurrilous attacks of all kinds? Neither does the great religion of Islam require any protection whether it be obtained by means of co-operation or non co-operation.

Mr. K. Ahmed: But you have taken up practice again, haven't you? After coming out of the jail, you are co-operating with the Government now. (Loud Laughter.)

Mr. T. A. K. Shervani: That is beside the point. Sir, as regards the mode and manner of the speech of the Honourable gentleman who spoke, just before me I would like to say one word I would rather use his own words that "two wrongs do not make one right", and therefore I must leave his speech out of consideration *(An Honourable Member*: "Is he also a fanatic?") Sir, as regards the delaying of the measure, I would submit that the sooner this business is finished, the better. It has already done a lot of mischief, and we should not relish the mischief any longer, so we should finish it as soon as possible Sir with these ideas of mine I support the measure

The Assembly then adjourned for Lunch till Twenty-Five Minutes to Three of the Clock

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The Assembly re-assembled after Lunch at Twenty Five Minutes to Three of the Clock, Mr President in the Chair

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Mr. W T M. Wright (Secretary Legislative Department) Sir, I move that the question be now put

Mr. President: Is it the general desire of the House that the Chair should accept closure?

Mr. S. Srinivasa Iyengar (Madras City : Non-Muhammadan Urban) · Sir, I want to say a few words, having regard to the fact that some members of the Party have spoken differently

Mr. President: Raja Ghazanfar Ali Khan

Raja Ghazanfar Ali Khan: Sir, I thank you very much for giving me this opportunity to say a few words in connection with this question which is now before the House for consideration There seems to be a lot of confusion of thought so far as the object of this Bill, which we are discussing to-day, is concerned. It has been remarked by some of the speakers that this Bill is desired by Mussalmans more than by anybody else Some people have gone to such an extent as to say that the object of Government in bringing forward this Bill is to show a sort of favouritism to the Muslim community. I do not agree with those remarks. I think this Bill, whether it is good or bad, affects both communities equally. Besides, it is absolutely wrong to say that the demand for such legislation came from Muslim quarters On the other hand, it is the Punjab High Court which probably recommended to the Government to bring forward such a measure The Honourable Judge who tried the Rajpal case said that, although he was convinced that the book was worded in very uncivilised language and the author of that book deserved to be punished, as the law stood he could not punish him under section 153A. He strongly recommended that the law should be amended so that all such cases may be covered by the law, and I think it was chiefly on the recommendation of the Judge, and the flaw in the law pointed out by him, that the Government found it necessary to bring forward this measure.

There also seems to be some misunderstanding regarding the Vartman case and the Rajpal case. If the Judges who tried the Vartman case had definitely said in their judgment that by convicting the author, publisher and writer of the pamphlet Vartman, they overruled the judgment which was delivered by the Judge in the Rajpal case, I think we might have felt that it was not so necessary to have this measure. Although I know that while delivering that judgment in the Vartman case the learned Judges considered some of the reasons which led the Judge who tried the Rajpal case to acquit the accused and they did not agree with some of the remarks of the Judge, still, I think it is wrong to say that both the cases were absolutely similar. In the Vartman case the prosecution has definitely proved and established that the author of Vartman had the definite object of creating hatred between different classes of His Majesty's subjects or at least Muhammadans had the genuine feeling of hatred not against the author of this pamphlet alone but against the Hindu community as a whole. I do not know whether the prosecution had succeeded in establishing this fact in the *Rangila Rasul* case. Therefore it is wrong to say that the judgment in the *Rangila Rasul* case has been overruled by the Vartman case, and therefore this law is not necessary I take exception to another remark which was made by Mr Amar Nath Dutt who said that this agitation about the Rajpal case was artificial. I say it is entirely wrong. The agitation was genuine and all the Muhammadans all over India very keenly felt that a man who had insulted the Prophet in such a scurrilous language had been acquitted There may be some forms of this agitation to which some people may take exception. But so far as the resentment of the Muhammadans against the judgment was concerned, leaving aside the personality of the Judge who delivered that judgment, it was genuine. In other words, the Muhammadans all over India strongly resented the fact that the writer of Rajpal case was acquitted.

I only wish to say a word about my Honourable friend Mr. Shervani. I want to make it perfectly clear that the object of the Bill is not to protect the Prophet. The object of the Bill is not to protect other prophets or founders of the various religions. I entirely agree with him that however scurrilously these esteemed personalities may be attacked, still the world has got admiration for their deeds and it will not matter much so far as their reputation or personality is concerned The object of the Bill is to stop the spreading of feeling of ill-will and enmity between the different classes of His Majesty's subjects. Under section 153A, the prosecution has to prove that the pamphlet or the writing has actually promoted enmity between the different classes of His Majesty's subjects. In some cases the prosecution may fail to prove that such writings did create feelings of enmity between the different classes of His Majesty's subjects, but the fact may still be there that enmity has been created whenever, in present circumstances, a man belonging to one community attacks the religious feelings of another community.

The chief objection to this Bill comes from those people who are interested in the Press. I am one of those persons who have got great admiration for the liberty of the Press. I am one of those persons who would like to place no restriction upon the freedom which the Press enjoys. But let us see what the object of the Press is. The chief object of the Press is to educate the masses and give them a real training for some high ideals If the Press forget its proper duty and if it takes upon itself to be responsible for all the feelings of hatred and enmity which are now present among the different communities in India, I think the Press has got no right to expect any sympathy from us. If you ask any member of any community, if you ask any sensible man of any community, he will tell you, "God save us from the Press". (Laughter) Some say even the Associated Press So far as the Press is concerned, every one of them agrees that the only thing which is now responsible for the present disgraceful state of affairs which exists in this country is the Press It may be the vernacular Press, it may be the Lahore Press, it may be the United Provinces Press, or it may be the Nagpur Press, or it may be the Calcutta Press, but all the same, it is the Press We want to press upon those who are interested in the Press to realise once for all that if they want to abuse their right and the liberty that is enjoyed by them, we shall always be prepared to co-operate with the Government in bringing forward any measure which would be a restriction upon the Press taking undue advantage of the liberty that it now enjoys

The arguments which these gentleman who oppose the consideration of this Bill have advanced so far are not about the merits of the Bill which is before us, but are based on a serious suspicion that this legislation or this law may be improperly applied I think we should keep the issues very clear on this point I submit that every law in the Indian Penal Code can be misapplied by the executive if they choose to do so. Now, would you say that those laws which can be misapplied should be removed from the Statute-book ? I do not agree with my Honourable friend Mr. Belvi that every man may be allowed to start a prosecution under this section. It should be entirely left to the Government to see that, wherever there is a reasonable case and wherever a man has done such mischief to the interests of Indian nationalism that there is no peace

[Raja Ghazanfar Ali Khan]

possible between the two communities, the Government will start prosecutions only in grave circumstances To leave it to private individuals is to overflood the courts which I think nobody would like.

Therefore, Sir, with these few observations I very strongly support the motion that the Bill be taken into consideration and hope that no time will be lost in putting it on the Statute-book

An Honourable Member : I move that the question be now put.

Mr. S Srinivasa Iyengar : Sir, some members of my party have spoken opposing this motion, as the party has given itself freedom on this question, and I have also the freedom to express my own opinion. It is I think a matter for some regret that there should be any strong opposition to this measure severely restricted as it has been in Select Committee. Is it the case that you want, is it the case that any Member of this Assembly wants that a person " with deliberate and malicious intention of outraging the religious feelings of any class " should " insult or attempt to insult the religion or the religious beliefs of that class "? I put that question nakedly, and I think there can be only one answer. You cannot say that it should be allowed.

Then the next question is this Under the law as it at present stands without this Bill, is this an offence ? I say, Sir, that this is not an offence under the existing law specifically and substantively. What is an offence under the existing law is if you promote class hatred and fulfil the requirements of section 153-A, then you may bring a person who promotes class hatred within that section. I do not know that if you simply insult the religion or the religious beliefs of a class you can say in every case that you promote class hatred. There can be difference of opinion—I have nothing to do with recent judgments—there can be reasonable difference of opinion and it cannot be said that to insult the religion or religious beliefs of a class must necessarily promote class hatred in every case. In the one case, the gist of the offence is direct promotion of class hatred In the case of the present Bill the gist of the offence is the deliberate and malicious intention of outraging the religious feelings of any class in insulting or attempting to insult the religion or the religious beliefs of that class Therefore, the two offences are distinct and I do not think that this offence, which is sought to be provided for, is really an offence under the law as it stands

Now it may be that those who were responsible for the drafting of the Penal Code thought that there was no necessity for a law of blasphemy in India, and I quite agree that it would have been an ideal state of things if we still had not that necessity. I myself prefer, like my master and the master of better men—Mahatma Gandhi—that there should be no laws at all punishing anybody and if it were possible by adopting the *satyagrahic* attitude to keep all people in order, that would be an ideal state of things I have got very much sympathy with the sentiments which have been so eloquently and so feelingly expressed by my Honourable friend Mr. Shervani. But at the same time as practical men looking at the state of society as it exists, is it to be said that Hinduism and Muhammadanism are either d [illegible] moribund ? I think, Sir, that both t [illegible] full of vitality yet, and however m [illegible] not imagine the time when

these two religions will cease to exist or those peoples who profess them will die out. Sir, we are not valetudinarian Hindus ; we are not valetudinarian Muhammadans. I am afraid we are robust Hindus and robust Muhammadans, and therefore it is idle to say that there can be that freedom to insult the religion or the religious beliefs of a class with deliberate and malicious intention of outraging the religious feelings of that class. I do not know what the religious feelings of English society may be. I presume there too there are people who feel deeply for religion ; and the law of England does recognise blasphemy as an offence, which the Indian law does not recognise. According to the judgment of the House of Lords in Boman v. Secular Society, 1917 Appeal Cases, "blasphemous matter" means "words spoken, written or printed, whereby it is sought to bring the Christian religion into contempt by means of ribald, contumelious or scurrilous language". The present Bill is much narrower in scope than the law of blasphemy in England. It is not merely by any scurrilous, ribald, contumelious language that the intention is presumed : you go further and you want here malicious and deliberate intention. I cannot understand how the liberty of the Press—I am using the word "liberty" advisedly—is restricted by means of this language. I yield to none in my love of the Press and in my appreciation of its liberties. But the Press has its duties also ; and when I see that it is said to be a repressive law I must, with all deference to my friend, Mr. Rangaswami Iyengar and to my friend, Mr. K. C Roy, say that, it is not a repressive law at all in my judgment It will certainly be a repressive law if we pass a law which will strengthen the hands of the bureaucracy or which will prevent us from fighting as much as we can fight against the Government for the purpose of getting Swaraj or freedom of Speech or Assembly. Of course I do not want any law of sedition ; I wish it were blotted out of the Penal Code. Similarly, I am against section 153A and I wish it were blotted out of the Penal Code ; but this is an enactment for the protection of the religions of India and to say, as Mr. Roy said, that this puts a premium upon intolerance and bigotry is far too strong a proposition and I could not at all appreciate the logical steps by which he arrived at that, to him, convincing conclusion All that I can say for myself is that it is a just law which is necessary to educate people into tolerance It is the spirit of tolerance that is sought to be created. People must be educated in their homes not to insult the religion or religious feelings of other people The Press must also educate the people in this ; but if the Press does not educate the people in this respect, or the education by means of the Press is defective, if sometimes the Legislature has to step in for the purpose of educating the community not to go beyond a certain stage in attacking the religion or religious beliefs of a particular community, to say that this is putting a premium upon intolerance and bigotry is, I submit, not right at all What is happening to-day is that we are really face to face with religious intolerance and fanaticism. Till quite recently, in India, tolerance of each other's religion was an accepted fact and there was no necessity for having in India this mediæval law of blasphemy which disfigures the common law of England. But unfortunately to-day communal conditions are not such as to enable us to continue to enjoy that spirit of tolerance and I would appeal both
Hindu Members of the Assembly an
question in a calm and dispassion
of the *Risala Vartman* or *Rangila*
it is a Muhammadan demand we a

[Mr. S. Srinivasa Iyengar.]

for the benefit of Muhammadans. I consider, Sir, this is as much a law for the protection of my religion, Hinduism, as it is for the protection of Muhammadanism, and a Hindu who wants Swaraj is as much bound to protect the Muhammadan religion as his own religion, and a Muhammadan who wants Swaraj must protect Hinduism from the defamers of the Hindu religion as much as he must protect his own religion. I do not consider in these matters that we should say that simply because we differ in our religious beliefs we have not got the mutual duty of seeing that the religion of each community is respected and is not insulted beyond limits. I do not think, as the Bill is worded, that any fair criticism or even any vehement and unfair criticism or even criticism couched in insulting language, would come within it whether the language is used by a social reformer or merely by a critic opponent of the religion concerned or a sceptic. Even if the language of contempt is employed, it may not bring him by itself within the clutches of this measure if it becomes law though it may in some cases be some evidence of malice. What will bring him within the clutches of this Bill is only speeches and writings with deliberate and malicious intention to outrage feelings ; that is to say, if he seeks to outrage the religious feelings of a particular class, and insults the religion or religious beliefs of that class. I submit, therefore, Sir, that the Bill contains sufficient safeguards, to protect the liberty of the Press or the liberty of the individual critic, historian or reformer in the amplest manner possible Before coming into the House just now, Sir, I saw the decision in the case Chakravarty *vs.* Emperor in the Calcutta High Court under section 153-A, where the explanation of the word "malicious" is given. We have got that decision of the Calcutta High Court which says that the republication of inflammatory matter intended to promote communal or class hatred will not by itself make the publisher or printer of a newspaper liable I cannot imagine how the newspapers are going to be penalised by this legislation by mere innocent publication or republication If an editorial is written in a journal with the deliberate and malicious object of outraging the religious feelings of a particular class, undoubtedly that newspaper will become amenable to the pains and penalties imposed by the Bill, and I do not suppose any editor or proprietor of a newspaper will say that that should not be the case Therefore, Sir, I consider that this is a very just piece of legislation.

My friend Mr K. C. Roy said that he was surprised that I should support a Bill of this description, and he thought that it was in terms of the Unity Conference I was thinking when I, the other day, supported this measure. Well, Sir, if that was so, I think I was justified in it, and I take it as a compliment, and I only wish that all of us proceeded to enact legislation in that spirit. I think that is the spirit that should pervade this Assembly But there is no question of weakness ; there is no question of surrender of Hindu rights or Muslim rights ; nor is there any question of partiality to one community or the other. If you find that the administration of this legislation by this Government to be such as unduly to protect one community more than another, there is certainly this Assembly, and there will be plenty of other opportunities when you can agitate on that matter and see that the Government and the administrators and those who sanction prosecutions are compelled to remain impartial. But simply because the administration of the law may be bad in particular areas or in particular hands, that is no reason why we should not

seek to protect each other's religion. I am not here to protect or strengthen the Government to any extent. I am not here to add to the law of sedition or to section 153-A or to the armoury of repressive laws I am here to protect the Hindu religion from the grievous onslaughts that may be made by malicious persons ; I am here to protect the Muhammadan religion from the grievous onslaughts that may be made by malicious people. I am here for the protection of these two great religions and these two great communities and for the purpose of promoting peace and goodwill between these two communities. It was only for these reasons that I was a party to the Report of the Select Committee, and I heartily support the motion that the Bill be taken into consideration.

(Several Honourable Members moved that the question be put.)

Mr. President : The question is that the puestion be now put.

The motion was adopted.

Mr. President : The original question was ·

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, as reported by the Select Committee, be taken into consideration."

Since which the following amendment has been moved

"That the Bill, as reported by the Select Committe, be circulated for the purposo of eliciting opinions thereon by the 15th January, 1928 "

The question I have to put is that that amendment be made.

The motion was negatived.

Mr President : The question is :

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. President : The question is

"That clause 2 do stand part of the Bill."

Pandit Nilakantha Das (Orissa Division . Non-Muhammadan) : Sir, I beg to move :

"That in clause 2 of the Bill for the words ' religious feelings ' the word ' feelings ' be substituted and consequential changes be made in the other clauses of the Bill."

The section says

"Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of His Majesty's subjects, by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or the religious beliefs of that class "

When we are here clearly stating " religion or religious beliefs " which will be insulted there is no meaning in saying, I think, that " religious feelings " also are outraged. There is no need of putting the word religious " before " feelings ". It is perhaps enough if feelings only are out- [illegible] Moreover you cannot
[illegible] religion contemplates
[illegible] The feeling thus out-
[illegible] re, this is not simply
[illegible] blasphemy to religion

[Pandit Nilakantha Das.]

and here serves no useful purpose. It may also give a handle to my lawyer friends in court to make a distinction whether religious feeling was outraged or any other feeling was outraged and this frustrates the safeguard contemplated in the Bill. Therefore this being only something like a formal amendment, correcting probably a mistake of the draftsman, I move it and hope that the Mover of the Bill will accept it.

The motion was negatived.

Mr. Amar Nath Dutt : Sir, I move :

"That in clause 2, for the words 'any class of His Majesty's subjects' the words 'Muhammadan subjects of His Majesty' be substituted."

Sir, after the vote which has befallen my friend, I do not know what will be the fate of this amendment, but still I deem it my duty to move the amendment standing in my name which I have just read out

The majority verdict of this House has been that the words "religious feelings" should be there, but I want to have the following words substituted, namely, instead of the word "any class of His Majesty's subjects" I want to have the words "Muhammadan subjects of His Majesty". And my reasons are these No other class has demanded a legislation like this and we in this House find that our Muhammadan brethren are *very keen about it, and out of deference to their opinion I think we* should yield to their [illegible]

I beg to submit that in [illegible]

for the words "any cl[illegible]

madan subjects of His Majesty" should be substituted.

The motion was negatived.

***Mr. C. Duraiswamy Aiyangar** (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, I move :

"That in clause 2 after the words 'spoken or written' insert the words 'or by acts'."

Sir, I find that in this debate which has taken place for a long time, many *Members have been complaining that there are many loopholes* in this Bill, and if this is one of the loopholes, I wish that it should be rectified now by the insertion of the words "or acts". Sir, it is possible for a man deliberately and maliciously to insult or wound the religious feelings of any other community not only by words spoken or written, or by words published in newspapers or by visible representations, but also by some acts which will not involve either words or representations. For instance, Sir, a religious procession of the Hindus is taking place Supposing some Muhammadan brother—probably I should not call him a brother if he is engaged in such an act of insult—supposing some Muhammadan comes in and wants to kill a cow in the midst of that procession It is neither a word nor a representation nor a visible sign, but yet an act which may wound the religious feelings of the Hindu community.

Mr K. Ahmed : There is another section for that in the Indian Penal Code.

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* Speech not corrected by the Honourable Member.

Mr. C. Duraiswamy Aiyangar : Similarly, when a Muhammadan procession is taking place during the Mohurrum, supposing some Hindus deliberately go there in order to have their own music and their own religious prayers mingled with those of the Muhammadans, that will wound the religious feelings of our Muhammadan brethren. Therefore, I think it is absolutely necessary that we must have these words also added to clause 2, because that is also a manner in which some fanatics may deliberately and maliciously wound the religious feelings of another community. Of course we have got a journalistic doctrine enunciated in the Select Committee—I call it a journalistic doctrine because journalists have combined to establish a new doctrine—that the moment an offence is provided against in an Act, such offences will become more numerous. This is the first time I have heard that doctrine. I never heard of it before—if murder is provided against, murders will become more numerous, if dacoity is provided against, dacoities will become more numerous. But as these journalists have been telling us that these offences will become more numerous, for my part I wish to provide against the contingency of religious feelings being wounded not only by words and representations but also by acts This is my reason for suggesting that this amendment should be made.

The Honourable Mr J. Crerar : Sir, I must oppose this amendment. It will be apparent to the House that this amendment would entail a very large and dangerous extension of the Act During the course of the discussion, as is apparent from the Report of the Select Committee, much of our attention was devoted to making the Act so restricted as not to include cases which by common consent ought not to come within its ambit, at the same time leaving it operative for the strictly limited purpose in view. The Honourable Member's amendment would open the door to consequences which none of us who supported this Bill would everthink of dealing with. Many of the cases which the Honourable Member has in mind would probably be covered by the specific provisions of some of the sections of Chapter XV and other sections of the Code which deal with specific acts. I oppose the amendment.

(*Some Honourable Members* · " Let the question be now put)

(Mr. A Rangaswami Iyengar rose in his seat)

Mr. President : What the Honourable Member from Madras wishes to say has already been stated by Mr. Crerar.

Mr. A. Rangaswami Iyengar : I only want to say a word because the Press has been mentioned

Mr President : The Press has lost

Mr. A Rangaswami Iyengar : The Press will never lose its case. The only point that I wished to bring out was that the matter mentioned by my Honourable friend, Mr Duraiswamy Aiyangar, is already covered by sections 295 and 298 of the Indian Penal Code

Mr. C. Duraiswamy Aiyangar : It is not provided for.

Mr. A Ragaswami Iyengar : Section 298 runs as follows :

" Whoever, with deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes

[Mr. A. Rangaswami Iyengar.]

any gesture in the sight of that person, or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both "

Mr. President : The Honourable the Home Member had taken this very point.

Mr. A. Rangaswami Iyengar : My Honourable friend contended that it is necessary to extend the scope of this section to further offences than was contemplated by the Select Committee, on the ground that he does not agree with the view embodied in the minute of the press men on the Select Committee, that because you constitute new offences, that would, by itself, be a means of encouraging the commission of these offences. I only wish in support of this to cite the opinion of a very high authority—that of Lord Haldane when he was Lord Chancellor. He said :

"Public opinion is very important in this connection. You may make as many laws as you like, but unless public opinion backs you up you will not succeed —nay, more, you will make things worse, because you convert what was possibly a very flagitious act into something of quite a different character, because of the restriction on liberty which you seek to impose."

Mr. President : That has nothing to do with the present motion.

Mr. A. Rangaswami Iyengar : It has a good deal to do with what my friend said

Mr. Amar Nath Dutt : The cat is now let out of the bag. As I have remarked previously, it is only to pander to a certain community and not with a desire to promote nationalism that this Bill has been introduced by the Government. You see, Sir, as soon as my Honourable friend, Mr. Duraiswamy Aiyangar, wants to give the Hindus some protection, the Honourable the Home Member rises at once and says "No". It was not meant for that, and it is the favourate wife policy. I was surprised that a shrewd lawyer like my Honourable friend, Mr. Rangaswami Iyengar, should quote the authority of Lord Haldane in support of the Honourable the Home Member. Sir, on this matter we are so much divided in this House that we have very little hope of succeeding. Still, I hope that the good sense of the Hindu Members in this House will prevail and that Mr. Duraiswamy Aiyangar's amendment will be accepted.

Mr. A. Rangaswami Iyengar : To extend the law ?

Mr. Amar Nath Dutt : Yes.

Mr. President : The question is .

"That in clause 2, after the words 'spoken or written' the words 'or by acts' be inserted."

The Assembly divided :

AYES—10.

Aiyangar, Mr. C. Duraiswamy.	Kelkar, Mr. N. C.
Aney, Mr. M S.	Moonje, Dr B. S.
Belvi, Mr. D. V.	Mukhtar Singh, Mr.
Dutt, Mr Amar Nath	Prakasam, Mr T
Gulab Singh, Sardar.	Sinha, Mr. Siddheswar.

NOES—69.

Abdul Haye, Mr.
Abdul Matin Chaudhury, Maulvi.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abdullah Haji Kasim, Khan Bahadur Haji.
Ahmad, Khan Bahadur Nasir-ud-din.
Ahmed, Mr K
Alexander, Mr. William.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.
Ayangar, Mr. V. K. Aravamudha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Badi-uz-Zaman, Maulvi.
Bajpai, Mr. G. S
Bhuto, Mr. W W Illahibakhsh
Blackett, The Honourable Sir Basil
Bray, Sir Denys
Chalmers, Mr T. A
Chunder, Mr. Nirmal Chunder.
Coatman, Mr. J.
Cocke, Mr. H G.
Cosgrave, Mr. W. A
Courtenay, Mr R H.
Crawford, Colonel J D
Crerar, The Honourable Mr J
Crofton, Mr. R M.
Dakhan, Mr. W M. P Ghulam Kadir Khan
Dalal, Mr A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr J. M.
Farookhi, Mr Abdul Latif Saheb.
Ghazanfar Ali Khan, Raja
Ghuznavi, Mr A. H
Gidney, Lieut.-Colonel H. A. J
Goswami, Mr. T. C.
Haigh, Mr. P. B.
Irving, Mr Miles
Ismail Khan, Mr
Iyengar, Mr A. Rangaswami.
Jayakar, Mr. M. R
Jinnah, Mr M A.
Jowahir Singh, Sardar Bahadur Sardar.
Keane, Mr M
Khin Maung, U.
Kidwai, Mr. Rafi Ahmad
Kirk, Mr. R T. F
Lamb, Mr W. S.
Mitra, The Honourable Sir Bhupendra Nath.
Moore, Mr Arthur
Muhammad Nawaz Khan, Lieut Sardar.
Mukherjee, Mr. S C.
Parsons, Mr. A. A L
Purshotamdas Thakurdas, Sir
Rainy, The Honourable Sir George.
Ruthnaswamy, Mr M.
Sams, Mr H A.
Shah Nawaz, Mian Mohammad.
Siddiqi, Mr Abdul Qadir.
Singh, Mr Gaya Prasad
Singh, Rai Bahadur S N.
Sinha, Mr R P
Suhrawardy, Dr. A
Sykes, Mr. E. F
Tonkinson, Mr. H
Wright, Mr W. T M
Yakub, Maulvi Muhammad
Yamin Khan, Mr Muhammad
Young, Mr. G M.
Zulfiqar Ali Khan, Nawab Sir.

The motion was negatived

Mr. D. V Belvi · Sir, the amendment which stands in my name runs as follows :

"That in clause 2 of the Bill after the word 'written' the words 'or by signs' be inserted."

I do not think this amendment stands in need of a long speech. If you refer to the Bill as originally presented to this House, you will find that

[Mr. D. V. Belvi.]

there was this expression " or by signs " in it. That is one reason in support of my amendment. The second reason is that we find the same expression in section 499 of the Indian Penal Code. That is the section which deals with the offence of defamation. And just as it is possible to defame a man by signs, so it is equally possible to commit by signs the offence for which we are now providing I shall give you two illustrations. Before I do so, I may say that I am not well acquainted with the conditions in Northern India, but I know well the conditions in Southern India and my illustrations should be taken as applicable to the conditions prevalent in Southern India only. Now, suppose there is a Ganpati procession in a big city like Poona Fortunately for me the District Magistrate of Poona is present in this House and he will bear me out when I give you this illustration (*An Honourable Member* : "Who is he ?") He is Mr Haigh, the Chief Whip of the Government Party. Now suppose there is a big procession going along a public road with or without music. Suppose a mischievous man of some other religion comes and makes signs. You know that Ganpati is a god who has a big round belly and you know that he has also the trunk of an elephant. Now to insult the Hindus the mischievous man of another religion comes and makes signs like this. (The Honourable Member held his hands in front of him to denote a big belly, and curled his hand in front of his nose to represent a trunk.) (Laughter) That is quite enough to upset the Hindus in the procession who will at once jump to the conclusion that their god has been insulted. Take another instance applicable to a Muhammadan procession We know that in Southern India the *Tajias*—I do not know what they are called in this part of the country—are immersed in water. A good many Muslims follow these *Tajias*. I believe they have some religious ceremony to perform when they go to a tank or to a river, for immersing their *Tajias*, and when they come back, it is their custom, at least in Southern India, to come back as if they are mourning, as if they are crying. Suppose some mischievous man who does not belong to the Mussalman faith comes in front of the people who are returning, and he wants to ridicule them by doing this (the Honourable Member illustrated the gesture) and saying " Oong, oong ". (Loud laughter.)

Mr President : Order, order. The Honourable Member must use language which the reporters can understand or follow.

Mr D. V. Belvi : If they cannot follow me, it is not my fault I am pointing out to the House the manner in which the Muhammadans may feel insulted and I may say that they would be justified in feeling so, and that might lead to rioting and perhaps to assaults So such contingencies should be provided for. They were rightly provided for in the original Bill, but I do not know what happened in the Select Committee where all at once this expression " or by signs " was taken out. I submit to the House on these grounds that the expression " or by signs " should be inserted now in the proposed new section.

The Honourable Mr. J Crerar : Sir, I oppose the amendment. I submit that on general grounds it is open to the same objections on which the previous amendment was rejected by the House, and I may further point out that precisely the kind of offences which the Honourable Member has instanced are specifically covered by section 296, which

relates to voluntarily causing disturbance to any assembly engaged in religious ceremonies, or, in the alternative, by section 298 which also deals specifically with this class of offence.

The motion was negatived.

Mr. M. S. Sesha Ayyangar (Madras and Ramnad *cum* Tinnevelly : Non-Muhammadan Rural) : Sir, I move :

"That in clause 2 of the Bill, the words 'or by visible representations' be omitted."

The House may be aware that the words "by signs or by visible representations or otherwise" did occur in the original Bill, but the words "or by signs" and "or otherwise" were scored out by the Select Committee, and that this one phrase was retained. My reason for moving this amendment is this. The reasons given by the Select Committee for deleting the words "or by signs" and "or otherwise" are these :

"We have limited the scope of the original section by the omission of the words "or by signs" and the words "or otherwise". Indeed, we find difficulty in imagining causes to which the latter words would be applicable, and we think the words "or by signs" are not necessary for the purpose of the particular class of offences with which it is intended to deal."

I do not follow the reasoning of the Select Committee in retaining the phrase "or by visible representations". If this is the reasoning which appealed to them to delete the other two phrases "or by signs" and "or otherwise", then I submit "or by visible representations" must also have been omitted. Further, section 298 of the Indian Penal Code does cover such a case. Section 298 runs thus :

"Whoever, with deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person any gesture in the sight of that person or places any object in the sight of that person shall be punished . ".

Therefore, I submit that this phrase in section 298 covers such a case. I appeal to the Home Member to read section 298 and see if such a case does not come under that section. If that is so, then I would ask him to accept my amendment. The third reason I would urge is this. With the phrase "visible representation" it is possible to fabricate a large number of cases ; at least that would make the door wide for fabrication. For these reasons, Sir, I commend my amendment.

The Honourable Mr. J. Crerar : Sir, I think I have explained to the satisfaction of the House why the Select Committee decided to retain those words. I should point out in the first instance that the section quoted by the Honourable Member, 298, is not really in point It refers only to the placing of bodies, etc, in the sight of any particular person. What the Select Committee had in mind was offensive cartoons or the like which might appear in letterpress and point to or make clear an offence of a malicious and deliberate intention. That is the reason for retaining these words, and I think the House will agree that they should be retained.

Mr. President : The question is :

"That in clause 2 of the Bill, the words 'or by visible representations' be omitted."

The motion was negatived.

Pandit Thakur Das Bhargava (Ambala Division: Non-Muhammadan): Sir, I move:

"That in clause 2, for the words 'insults or attempts to insult' the words 'scurrilously attacks in offensive and improper language or by offensive and improper visible representation or attempts to scurrilously attack in offensive and improper language or by offensive and improper visible representation' be substituted."

In moving this amendment, Sir, I would respectfully beg the House to consider and to be clear in their minds as to what the scope of the clause in the Bill is. Unless and until you are quite clear about the limitations and the safeguards which ought to be provided in this Bill, you will not be able to appreciate the exact significance of the words that appear in the Bill. The Bill penalises insults which are actuated by a deliberate and malicious intention In the first place, before coming to the actual wording of the clause, I would submit two observations for the consideration of the House, so that it may be clear to the House why I have sought to make this amendment. That this amendment really limits the scope of the Bill and seeks to make a very necessary change, there can be no doubt At present in the Bill you will find that the word "insult" is used. Now, Sir, this word "insult" has been used in some places in the Penal Code But this word has not been defined so far by the Legislature The question arises what is the exact significance of the word "insult" My humble submission is that the word is too vague. It is illusory and it has not special significance in law. My submission is that insult is always a temperamental affair. What would be regarded as an insult by a particular man may not be regarded as an insult by a more calm and dispassionate man Moreover this word "insult" is objectionable from another standpoint, namely, that insult has greater regard to the result of the act rather than to the act itself. It does not rivet the attention of the judge to the fact of the person. It rather has reference in a greater measure than is necessary to the consequences which flow from such act

Mr. K. Ahmed: That would be for the assessors and jurors to decide.

Pandit Thakur Das Bhargava: I shall come to that also My friend is suggesting that this offence is triable by a Sessions Court where there will be assessors It makes it all the more obligatory upon us to see that the words used are quite specific and have the significance that we want to attach to them. Since assessors also will be the persons who will judge the meaning of this expression, it is all the more necessary that the expression should have that meaning which we desire to convey. Now, Sir, it has been pointed out in the course of the discussion that the words "deliberate" and "malicious" provide necessary safeguards and therefore there is no necessity for substituting these words To start with, let me clear the ground by submitting before you that the word "deliberate", if it only indicates premeditation, cannot be a great safeguard so far as this Bill is concerned So far as the question of malice is concerned, "malice" also is nowhere defined in the Penal Code. I know the word "malice" is used in section 153-A. Even there we do not get good help from the authorities. After all, the word "malice" is taken from the civil law and in its soft connotation the word "malice" may imply only an improper motive. Supposing that is the accepted connotation of the word "malice", may I enquire if an act outraging the feelings of any community will not be malicious by itself? I contend that this argument that an act calculated

to outrage the feelings of a community is malicious by itself will be advanced by many lawyers and will be accepted by the judges so that the words " deliberate " and " malicious " do not provide in my humble opinion those safeguards which are necessary to be provided in the Act. Then, the question arises as to how that intent is to be judged. Sir Hari Singh Gour pointed out, on the previous day of the discussion of this Bill, that if it is taken that a man is presumed to know the natural consequences of his act, it will be rather difficult, it will be a point of nicety whether that very act to which a deliberate and malicious intention is sought to be attributed will not itself damn the accused. My humble submission is that the word " insult " does not connote the specific meaning which we seek to convey and import into the operation part of the clause. The words " deliberate and malicious " also convey a very soft connotation and meaning and it is absolutely necessary that we should make our meaning very clear in the Bill. Now, Sir, as you know, the language used in any document and the exact words used therein are the materials on which a judge comes to the conclusion whether a person was animated by this or that intention. I do not at the same time eliminate from my consideration that in many cases it happens that the judge may come to the conclusion that a certain person is actuated by malicious intention in spite of the fact that plain language was used. Nevertheless it would not be fair to assume that words spoken or written will not be the main guide for a judge to come to the conclusion whether these words import the intention which is covered by this Bill. My humble submission is that if that is so, then it is absolutely necessary that we should make it absolutely clear that it will be improper and offensive language of a particular speech or writing which will be the test whether that intention was expressed in that way or not I have used the words " scurrilous attack " and want that to be substituted for the word " insult ". Now " scurrilous attack " is an act which everybody will agree must be penalised As I have already submitted, the word " insult " will denote different meanings to different people, but the words " scurrilous attack " can only have one meaning. Moreover, the word " attack " by itself denotes that there is a disposition to injure in the mind of the accused and, unless the prosecution established *mens rea*, the present principles of the criminal law declare that a person not possessing *mens rea* is not guilty So that my humble submission is that if this clause is passed in its present shape, there is a likelihood that such persons who have more zeal than discretion will come into the meshes of the law and this Bill may prove very injurious so far as certain public interests are concerned

Sir, as regards limitations and safeguards, I will request you to consider that, so far as religion and religious views are concerned, it is not, as one Honourable Member said, a Moslem measure only, it is an all-India measure , and it will happen that different interests will come into conflict. There are social reformers among Hindus who would like to criticise their own religion with the best of motives There are Muhammadan reformers who would like to criticise their own religion in the same way with the best of motives The question therefore is not that we should look at it from that standpoint from which a Hindu would look at a Muhammadan measure or that standpoint from which a Muhammadan would look at a Hindu measure My humble submission is that we should all look at it from the standpoint of Indians and

[Pandit Thakur Das Bhargava.]

looking at the measure from that standpoint, let me be quite clear before you when I say that, as long as there are so many religions in India which compete for supremacy and reformers are allowed to have their way in the way in which we now see them going on, all the prophets, seers and *rishis* are bound to be criticised very freely. And they ought to be criticised very freely. I am against religious attacks as a rule, but if an attack is honest though scurrilous and is only designed to make a deep cut into a certain fungus growth which has been hardened by usage or by custom, I think I for one would stand for such a cut being made.

Mr. K. Ahmed : Why don't you give your verdict then ?

Pandit Thakur Das Bhargava : I am not a judge unfortunately !

Mr. K. Ahmed : An assessor ?

Pandit Thakur Das Bhargava : I am not an assessor either. There is a section in the Criminal Procedure Code by virtue of which a lawyer cannot be an assessor.

Sir, judging from the history of fanaticism I sometimes doubt if religion did not take its birth to make people irreligious ! In the name of religion, Sir, such sufferings, executions and assassinations have taken place !

Mr. President : Order, order The Honourable Member is going on as if he were speaking on the motion that the Bill be taken into consideration. He must restrict himself to the amendment now before the House.

Pandit Thakur Das Bhargava : My humble submission is that, so far ... tion of these words is concerned, they have ... at is, that the scope of the Bill should not ... due. In making this submission that the ... I am bound to submit why it should not be enlarged, and therefore, when I speak of religion in that strain, it is in no mood of blaspheming any religion. My submission before the House is that so far as religion is concerned it needs democratisation. There are, I submit, religious strongholds. There is such a thing as religious vested rights and those rights must be pulled down by rationalism.

The second thing I want to submit before you is that the scope of this law should be rather hedged down to a very narrow compass, the reason being this This present situation which has necessitated this measure is not the result of the acts of the common multitude The present situation has resulted from the acts of the Government.. ...

Mr. President : I very much regret to interrupt the Honourable Member again, but he is making general observations on the Bill itself instead of confining himself to the amendment which he has moved. I quite realise his difficulty. He had prepared a speech for the consideration stage of the Bill which he was unable to deliver. But that is no reason why he should take this opportunity of delivering himself !

Pandit Thakur Das Bhargava : I must admit, Sir, that the observations you have been pleased to make are perfectly correct and that I really

wished to speak on the main motion also, and it is my misfortune that I have not been able to catch your eye. But at the same time I do not want to avail myself of this occasion to inflict a speech on the House. At the same time I am desirous, I am most solicitous to make my meaning absolutely clear to the House and that meaning is this. I do not want to read out a speech : I only want to submit that I should be allowed to make my meaning clear. I have already submitted before you how I feel in this matter and that it is in the public interests that we should see that the Bill does not catch in its meshes those who are really working for the good of the country and for the reform of religion.. ...

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : That is exactly what you are trying to do.

Pandit Thakur Das Bhargava : I was therefore submitting that these words " insults or attempts to insult " should be substituted by the words which I have submitted in my amendment, because these words which I wish to substitute are more specific in meaning and, while calculated to catch hold of the actual culprit, will leave room for those who, according to my estimate of things, should not be caught in the meshes of the law. Sir, I move the amendment.

The Honourable Mr J. Crerar : Sir, I hope that the Honourable Member who moved this amendment will not think me in any way discourteous if I reply with very much more brevity than he has moved. There are three principal objections to his amendment and I shall make them very briefly The possibility of including such words as " scurrilous " and so forth was carefully considered in Select Committee and was, I think, for very good and sufficient reasons discarded as impracticable. The Honourable Member suggested, I think, that the word " insult " which is used in the Bill does not already occur in the Code. As a matter of fact it occurs already in several places in the Code That is the second point. My third point is simply this, that the language of the amendment is so cumbrous and involved that if it were added to the clause, which is already not entirely simple, it would result in an exceedingly unmanageable piece of legislation and one extremely difficult to interpret

Sir Hari Singh Gour . Sir,. ..

(Several Honourable Members moved that the question be put.)

Mr. President · I hope the Honourable Member will realise the sense of the House and not insist upon his right to speak.

Sir Hari Singh Gour : Sir, the observations I have to make are very few , but I hope the House will indulge me when I say that I oppose not only the amendment but the Bill ; and I am sure that the Honourable the Home Member will realise that it is not yet too late to reconsider his verdict. I have not the slightest doubt that the Government of India are pledged to religious autonomy We have in this country such a thing as caste autonomy, religious autonomy, sectarian autonomy. Has the Honourable the Home Member considered the effect of his Bill upon these various religious autonomous institutions and how is he going to deal with inter-sectarian conflict and inter-caste conflicts which arise and arouse religious animosities and which give rise to deliberate and, let me add, technically malicious attacks upon rival sects ? Let me give you an example A Brahmin has crossed the seas and comes back to this country and the caste

[Sir Hari Singh Gour.]

hold a *panchayat* and outcaste him and also publish in their caste newspaper that this man has become a *Mlechh* and is not a Brahmin and, consequently, nobody should dine with him. His religious feelings are really aroused and if you read the section, as it stands, that man has a just cause for complaint. But are you going to prosecute the whole Brahmin community because they have outcasted either him or his family or a few of his friends who sympathised with him ? Take the case of the Shias, and the regular annual fights that take place between the Shias and the Sunnis. The press telegrams only a few days ago gave us a vivid description of the feuds that take place between the various sub-sections of the same caste. Let me also remind the Honourable the Home Member that when this Bill becomes law it will .....

Mr. President : The Honourable Member must confine himself to the amendment which has been moved.

Sir Hari Singh Gour : Now, I am arguing, Sir, *a fortiori*. I am pointing out that if the Bill is bad, the amendment is worse. ..

Mr. President . The Honourable Member is not in order in speaking on the merits or demerits of the Bill as a whole.

Sir Hari Singh Gour : Now, Sir, there is another point to which I should like to draw the attention of the House. The Honourable the author of the amendment complains of ambiguity in the phraseology of this Bill. First of all, he deals with the question of malice, and he wants to know whether the malice within the contemplation of the Bill is malice prepense or constructive malice. He wants further to know whether the meaning of the word "deliberate" is something...

Mr President All this is not relevant to the amendment now before the House.

Sir Hari Singh Gour . Sir, I am recapitulating the arguments of the author of the amendment.. ...

Mr. President That the author of the amendment was irrelevant, is no ground for the Honourable Member to be irrelevant.

Sir Hari Singh Gour : Now, Sir, so far as the amendment itself is concerned it substitutes words which are more ambiguous and more capable of a wider meaning than the language used in the Bill itself As you, Sir, would not allow me to recapitulate the arguments of the author of the amendment or to deal with him but leave me within the narrow door of this amendment, I can only say that I reserve my right, should I be so fortunate as to catch your eye, to make general observations upon the Bill at a later stage when it comes for the third reading

Mr President · The question is :

"That in clause 2, for the words 'insults or attempts to insult' the words 'scurrilously attacks in offensive and improper language or by offensive and improper visible representation or attempts to scurrilously attack in offensive and improper language or by offensive and improper visible representation' be substituted."

The motion was negatived

Mr. Amar Nath Dutt : (The Honourable Member on rising was greeted with cries of "Withdraw, withdraw.") I am not going to withdraw ; I shall move my amendment.

(*Cries of* " Withdraw, withdraw ".)

Mr. President : Order, order.

Mr. Amar Nath Dutt : Sir, it would have been much better if the two previous amendments had been accepted by the House, and although they have not been accepted, I still rely on the good sense of this House and beg to move the amendment that stands in my name. Seeing that much mischief has been done by the introduction of religion in this Bill, I want to do away at least with the last portion of clause 2 which deals with religion, namely, " insults or attempts to insult the religion or the religious beliefs of that class ". Instead of that I ask the House to substitute the words " the Prophet of the Muhammadans ", because, Sir, there were certain scurrilous writings against the Prophet of Islam which have wounded the religious feelings of our Muhammadan fellow subjects, and I think it is but right and proper that they should have some protection in this matter. But I do not say that protection is offered to them by the words " insults or attempts to insult the religion or the religious beliefs of that class ". Now, Sir, here no mention is made of avatars, gurus, prophets, and such like things In fact, we want .. ..

Maulvi Muhammad Yakub : Sir, on a point of order The amendment which my Honourable friend is moving now is altogether consequential to amendment No. 7 which he has already lost.

Mr. President : The amendment is not consequential, but the acceptance of it will make the whole clause absurd. (*Cries of* " Withdraw ".)

Mr. Amar Nath Dutt : Sir, I am not going to withdraw It may give a certain absurdity but it will not be more absurd than the one which is in the clause itself. And this is a very unhappy specimen of legislative craftsmanship, because " insults or attempts to insult a religion " is meaningless. I do not know how a religion can be insulted. In fact, religion is above all insult, if it is really a religion at all I am not going to discourse on religion, neither am I competent to discourse on religion, but what little I know of religions that are practised in this world by the followers of various religions is that they consider religion to be something sacred and which does not come within the purview of human legislation, but it is something divine whether it be revealed religion or inspired religion. Be that as it may, Sir, I still press my amendment and I hope the House will accept it

The motion was negatived.

Pandit Nilakantha Das : Sir, I move :

" That in clause 2 of the Bill for the words ' the religion or religious beliefs of ' substitute the words ' any one held in religious esteem or reverence by ' and make the necessary consequential changes in the clauses and Schedule which follow "

Sir, at the outset I must confess that through oversight there have been some unfortunate mistakes in drafting this amendment. I have put " any one ", but I mean " any one, or anything, including relics, gods, and goddesses ", and I shall crave your indulgence to permit me to add those words, so that I should be definite in restricting the scope of the Bill exactly to that for which this legislation is demanded.

Mr. President: The Honourable Member has got other amendments He can move them when the time comes. I cannot allow the Honourable Member to make any alteration in this amendment.

Mr B. Das: Sir, I beg to move the amendment standing in my name:

"That in clause 2 for the words 'or the religious beliefs of that class' the words 'of that class, or the founder, prophet or avatar or such religion' be substituted."

Sir, I do not know where I stand and where this legislation is going to make me stand in future. There are so many saints, so many avatars, so many prophets, I want to have a limit, to know how far this is going to apply By founder I mean Guru Nanak, Raja Ram Mohan Roy, Sree Chaitanya, etc; by prophet I mean, Buddha, Jesus, Muhammad and Zoroaster; by avatar, I mean certain avatars of the Hindu religion I do not like this particular clause to humbug us in our ordinary daily transactions and we will be faced with sedition against many modern gurus and saints For the edification of the House I will

4 P.M.

just quote a line describing Gurus from the Census Report of 1901, by Sir Edward Gait, who happened to be afterwards Governor of my Province. Talking about Gurus he says:

"This adoration of the Guru is one of the most characteristic features of the Vaishnava revival in Bengal The Vaishnavas say

'When Hari—(Hari means God)—is angry, the Guru is our protector, but when the Guru is angry we have no one to protect us.' This service veneration of the Guru is called Gurupádásraya."

Sir, when I find that there are such opinions prevalent I want to protect myself so that I will not come under this Act either in this House or outside this House. Sir, as a Hindu I knew I had 33 crores of gods but looking into this particular Census Report I find that in the Hindu religion there are so many gods and godlings.

Mr Amar Nath Dutt: Godlings? I object to that, Sir.

Mr. B Das: Sir Edward Gait, in this Census Report, says that there are godlings of nature, godlings of disease, deified heroes, ghosts and evil spirits, Gramya Devatas, and Gurus and bogus Gurus whom I have mentioned already this morning. How do we stand? How are you going to protect the public from the operation of this particular enactment? I also find from the same Census Report that even among the Muhammadans of Bengal there are many Saints and Pirs (*An Honourable Member*: "Never mind") I will enlighten you a little.

Mr. K. Ahmed: The clause is quite explicit. Don't be under a misapprehension.

Mr B Das: There are many Pirs Some of the Pirs and Saints died only 20 or 30 years ago Some of us unwittingly might utter words that might go against any of these, that might hurt the religious feelings of the followers of any of these saints. There is a quotation given here which is very apt. I will read it to the House.

Mr. K Ahmed: That does not touch the clause of the Bill.

Mr. B Das : It will give some sense to my Honourable friend Mr. K. Ahmed. It is :

> "*Bará to Mir,*
> *Ghátá to Fakir,*
> *Mará to Pir.*"

which, if translated, means,

"If he grew rich, he became a chief, if poor, a beggar, and if he died, he blossomed into a saint."

Mr. K. Ahmed : There is no relevancy in it whatever.

Mr. B. Das : I cannot understand how I stand. I do not think Members of this House would be so irreligious—I will not say irreligious—would be so ungentlemanly as to offer any insult to any great religious teacher or any Prophet or *Avatar*. But I want the law to be so framed that it is understood by the millions of the lay public. I belong to the lay public I might offend the Guru of somebody even in this House. There are so many bogus Gurus, as we find in Bengal, Dibrugarh and Orissa It is so easy, Sir, to become a Guru and earn lakhs and lakhs of rupees. I know many Hindus even convicts, who have become Gurus like that It is so easy to grow a beard like my friends Mr. Acharya or Pandit Nilakantha Das and pose as a Guru. I wish I could become a Guru and make it the chief source of my livelihood ! I say that the law should be so framed that it protects the innocent and does not suppress free thinking and rational school of thought. With these few words I commend my amendment to the acceptance of the House.

The motion was negatived.

Pandit Nilakantha Das : I beg to move :

"That in clause 2 for the words 'imprisonment of either description' substitute the words 'simple imprisonment' and make consequential changes in the Schedule."

Sir, we have widened the scope of the Bill so much that I am afraid it will mostly imprison cultured men Religion or religious belief—this expression is very, very wide. For instance, as my Burmese friend remarked the other day, I do not know whether rationalists, agnostics, positivists and others like them can be said to have any religion in the sense in which the term "religion" is generally applied. But it is their duty to deliberately run down any religion having a God. When they deliberately do it, it will be easy, when feeling is inflamed among the masses—to find malice in that deliberate running down. (*An Honourable Member* · Free thinker.) Yes, I speak of free thinkers, and if you have care for such free thinkers having no God or Prophet to protect them against any outrage, then mind how under the wide net you spread under the provision of this Act you will be always sending such men to jail. They deliberately insult our so called religions, as they feel it their duty to do so, to them your God is, so to say, a creation of chicken-hearted foolishness and I am afraid that it will be very easy to explain such statements as malicious insults to religion, and those highly cultured men will be undoubtedly consigned to prison. On the other hand, I do not think the rationalists are so very wild that they should be inflamed, but if they be, and speak or write some sentences in legitimate excitement, what follows ? No lawyers, like those on the Select Committee, will even be required to prove their offence. They will have to walk simply from court to

[Pandit Nilakantha Das.]

prison. I do not know whether I shall be allowed to refer here to the amendment of mine which has not been allowed, where I wanted to restrict, but unfortunately I was not allowed to make some formal correction....

Mr. President Had the Honourable Member any hope to carry the House with him on that amendment ?

Pandit Nilakantha Das : Hope springeth eternal in the human breast. (*Mr. K. Ahmed* : " Not, here ".) Therefore, I think that simple imprisonment will be enough for that class of people, who on account of their culture are under this Bill liable to go to jail.

There is another class. There are fanatics, rustics, ruffians and others like them, and they are also contemplated in this Bill. I know that many of them, if they get rigorous imprisonment, will be engaged in labour from morning to evening in jail, and they will not have time to mend themselves or to think of their past offences or guilt. I should therefore like to say that in simple imprisonment you may provide for some religious instruction or religious study or some other means by which the man may be reformed There is no need for sentencing a man to rigorous imprisonment for some utterances which he felt entitled to make on account of his culture, belief or even fanaticism. My Honourable friend Mr Jayakar remarked very aptly the other day that fanatics should be considered so many lunatics To prescribe rigorous punishment for them is useless

Mr. President · I think the House is now convinced.

Pandit Nilakantha Das : I think you for the conviction that the House has got through you. I move my amendment.

Mr. President : The question is ·

" That in clause 2 for the words ' imprisonment of either description ' the words ' simple imprisonment ' be substituted and consequential changes made in the Schedule."

The motion was negatived.

Mr. T. Prakasam (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) : I move ·

" That in clause 2 of the Bill for the words ' two years ' the words ' one year ' be substituted "

Mr. K. Ahmed : Make it three years

Mr. T. Prakasam · My friend, Mr. K. Ahmed, says, make it three years Perhaps it would be better in his opinion if it is made 20 years penal servitude. I am anxious not to say anything in this House which would embarrass any of my Mussalman friends who are anxious to bring about Hindu-Muslim unity at this juncture. My reason for this amendment is that it is not the severity of the sentence that will deter the crime Severity of sentence might instil fear in the minds of those who are inclined towards crime Those who are killing themselves now in Nagpur and other places, those who are guilty of setting houses on fire, are not the men who would be deterred by a sentence of two years. Fanaticism knows no limits They do not care for their lives This

provision is intended to prevent attacks on founders of religions. It is only men who have worked themselves into a frenzy that would indulge in the sort of attacks which the propounders of this Bill have in view. As my Honourable friend Mr. Jayakar has said, the sentence must be lenient in the case of these people who get their minds unhinged temporarily for the sake of their religion. So I submit the sentence must be reduced to one year. It will be in the wisdom of this House to make the sentence more lenient.

The Honourable Mr. J. Crerar : I regret that I have to oppose the amendment, but the particular considerations in the mind of the Honourable Member were given very careful weight to in the Select Committee, and the Committee came to the conclusion embodied in the Bill. I think the House will support that conclusion

Mr. President · The question is :

"That in clause 2 of the Bill for the words 'two years' the words 'one year' be substituted."

The motion was negatived

Pandit Thakur Das Bhargava . I move :

"That to clause 2 the following proviso be added:

'*Provided that writings, speeches, visible representations or discussions for the bona fide* purpose of research, comparative study, reform or revival of religion or religious beliefs shall not be deemed to be insults or attempts to insult the religion or religious beliefs of any class of His Majesty's subjects'."

In moving this amendment, Sir, I would respectfully submit that this amendment in a way provides for those safeguards which are necessary in the interests of historical research and comparative study of religion. As all research and historical study is for the benefit of society in general and for the genuine improvement of knowledge, I would submit that such an exception must necessarily be made. Avatars and prophets, as I have submitted already, are bound to be criticised by the students of the comparative study of religions and not necessarily with that intention which is penal But, Sir, it is always a matter of doubt in cases of this kind whether a person who writes a book comes within the meshes of the law. Therefore, I think that it should be made absolutely clear that any person who makes a speech or writes a book actuated by a desire for historical research or the comparative study of religions or the revival of any religion, should be protected As anatomical dissection qualifies the doctor for the acquisition of healing qualities, research of religion qualifies humanity for future right action I submit, Sir, that it is often true that the original lustre of a religion is encrusted with such fungus growths that we require the scapula of the surgeon to take it away before that religion can appear in its pristine lustre and be of use to the community at large. If this provision is not made in the Bill, it may happen that many a social reformer will hesitate to work in the spirit in which they ought to work considering the enormity of the social and religious evils rampant in India

With your permission, Sir, I would say a word about the other amendments appearing on the paper, because my amendment comes into conflict with the other amendments. So far as the other amendments are concerned, the one appearing as No 20, Explanation 2, and the one appearing as No. 21, are practically, though in a smaller measure, just like the one I

[Pandit Thakur Das Bhargava.]

have proposed Mine is the more comprehensive and seeks to protect those who ought to be protected by the law. As regards the amendment Number 19, the House will be pleased to observe that it involves a scrutiny of very abstruse matters and it will be difficult for any judge to come to a decision whether a particular notion of religion is false or whether a particular custom is pernicious or superstitious or what is the true view of religion. Similarly, it will be difficult for any judge to find out whether a particular conduct of any founder of a religion is in its nature, public or private. This is a matter which will be difficult to be found out by the best genius, and I submit that if in amendment No. 20 expression (1) is enacted or No 19 is enacted, we will be introducing such a complexity into the law that it would be difficult for a judge to unravel it. If the House considers that a provision of this nature is necessary in the Bill, I would propose that the amendment which I have moved is the one which ought to be put in the Bill.

The Honourable Mr. J. Crerar : Sir, I wish to say only a few words in opposing this amendment. I submit to the House that the phrase " with deliberate and malicious intention of outraging the religious feelings of any class of His Majesty's subjects " is perfectly clear. It governs the whole clause, and the proviso which has been moved is unnecessary; also, it contains so many ambiguities that its interpretation would be a very difficult and doubtful matter.

The motion was negatived.

Mr. President : *Does the Honourable Member wish to move the* alternative amendment ?

Pandit Thakur Das Bhargava : No, Sir.

Mr. T. Prakasam : Sir, the amendment which I rise to move runs thus:

" That to clause 2 the following Explanation be added :

' *Explanation* · It does not amount to an offence within the meaning of this section, if the criticism offered by anybody on any religion or religions beliefs of a particular class is *bona fide* with a view to remove false notions based on superstitious or pernicious customs which *are foreign to* the true religion or with a view *to prevent forcible conversions or re-conversions from one religion or faith or belief to another* ?' " .

Sir, the Honourable Mover of the Bill in his speech admitted that the present legislation is not intended to exclude *bona fide* criticism on matters I have tried to indicate in this amendment, and I do not think the Members of the Select Committee or anybody in this House would dispute that *bona fide* criticism on any religious belief is intended to be brought within the meaning of new section 295-A. I do not agree with the opinion of our leader, Mr Srinivasa Iyengar, that there is no provision in the criminal law for an offence against religion, or beliefs. No doubt the learned Judge of the Lahore Court pointed out what in his opinion was a defect, and it is only proper that the Government should consider it their legitimate duty to remove that defect by asking for certain amendments in the existing law But in attempting to do so, they have enacted a provision which instead of removing the trouble in view is likely to create more troubles not only as between the Hindus and the Mussalmans, but as between several sub-sections of the same community and individuals. Hindus and Mussalmans are fighting to-day and some

of them have lost their heads Some of them have been attacking ruthlessly not only individuals but also the founders of religions These things will not last for a long time ; they will soon come to an end, because the leadership that has failed hitherto both among the Mussalmans and the Hindus and also the leadership of the Government that has failed hitherto, all have recognised their error and all are agreed now upon putting a stop to this by devising ways and means. This legislation is considered one of the remedies. I am sorry, Sir, that this is beginning at the wrong end. However, if this could be really of any help to us in regard to the particular situation, it will be a matter of great satisfaction to the country and to everybody concerned. But my submission is that the clause as it is is so general and the net can be spread for everything that one can possibly imagine. Here is my friend sitting behind me, my friend Mr Belvi, who was fighting yesterday hard in this House not to have that legislation against child marriages. It was said that a child below one year can be married and that the Hindu law, or the Shastras, or the religion, says that it is a sacrament, and that a marriage tie, which creates a status, cannot be declared invalid. It was asked, how a status once created by tying a *thali* even on the neck of a child of 9 or 8 months, could be divested by a court of law. Our imagination goes to that length, our intelligence takes us to such height. We have to stop this evil in society. In my opinion, to marry a little child of one year is as bad as infanticide. One who tries to stop it comes under this clause. What is it that will not come under this clause ? Anything can come under this clause. It was contended that all aspects had been considered by the Select Committee and all have been provided for. I say they have not been stated or provided for Courts of law will only look into a section of the Act My Honourable friend Mr. Srinivasa Iyengar, if he should argue a case in a court of law, will say that the debates of the Assembly are not to be looked into.

Mr. D. V Belvi : Cannot be looked into

Mr. T. Prakasam : My Honourable friend Mr. Belvi says that they cannot be looked into. That is the law If the debates cannot be looked into and if the object of the Legislature is not to be traced, what is it that is left but the bare section ? General expressions or attacks on religion or attacks against beliefs or attacks upon founders cannot and are not intended to constitute an offence if *bona fide* What is to happen to persons who have rebelled against a spiritual Guru, such as one Sri Sankaracharya, who declared at one time that whoever crossed the sea, whoever went to England had forfeited his caste I should not refer to any incident in my own life It is more than twenty years since I was called upon by Sri Sankaracharya of a Mutt who said that he had jurisdiction over me, to explain why I had crossed the seas and to show cause why I should not go through a penance I declined to submit myself to his jurisdiction There was a bull of excommunication read against me publicly on the banks of a river. We challenged the order and we got over the whole trouble and made that Guru accept our view I am sorry we have been reduced to such a pass to-day that we have to ask the Government to pass legislation like this These matters ought to have been settled by ourselves We have outgrown most of our original bad customs. It is not only the enlightened public that have so outgrown them, but also the masses to a great extent. But there are certain impediments in our

[Mr. T. Prakasam.]

way and if only those impediments are removed—we hope they would be removed soon—there would be legislation on a broader basis. I am anxious that this House should be convinced of the necessity of these amendments—I do not care a bit whether the whole House is convinced. So often it refuses to be convinced when once it makes up its mind—I am anxious that this House should keep its mind open on this matter. I am not making any extravagant demand. I am just asking the addition of an Explanation to the clause so that what you did not intend and what you do not intend to come within the mischief of this section would be at least made clear. That is what I am asking the House. I am anxious the more that this amendment should go in now, because in these days I am realising that the non-co-operators, or at any rate some of the non-co-operators of 1921, are fast becoming co-operators (Laughter) and they may soon become worse tyrants who would abuse this very section against their own countrymen as judges. I therefore submit, Sir, that in enacting any piece of law, you had better make your intention quite clear. It is the duty of the legislators to make the intention absolutely clear by adding an Explanation like this to the clause. If the House fails to do it now, they would realise later what mischief is in store, which you do not intend and which you may not be able to prevent at that time.

Mr. President: The question is:

"That to clause 2 the following Explanation be added.

'*Explanation*.—It does not amount to an offence within the meaning of this section, if the criticism offered by anybody on any religion or religious beliefs of a particular class is *bona fide* with a view to remove false notions based on superstitious or pernicious customs which are foreign to the true religion or with a view to prevent forcible conversions or re-conversions from one religion or faith or belief to another'."

The Assembly divided:

AYES—40

Acharya, Mr M. K.
Aiyangar, Mr C Duraiswamy.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr. M. S. Sesha.
Belvi, Mr D. V.
Bhargava, Pandit Thakur Das.
Chunder, Mr. Nirmal Chunder.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr Srish Chandra.
Gulab Singh, Sardar.
Iswar Saran, Munshi.
Iyengar, Mr A. Rangaswami.
Iyengar, Mr. S Srinivasa
Jogiah, Mr Varahagiri Venkata.
Joshi, Mr N M.
Kartar Singh, Sardar.
Kelkar, Mr N C
Khin Maung, U
Kidwai, Mr Rafi Ahmad
Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr. Dhirendra Kanta
Lajpat Rai, Lala.
Malaviya, Pandit Madan Mohan.
Mitra, Mr Satyendra Chandra.
Moonje, Dr B S.
Moore, Mr. Arthur.
Mukhtar Singh, Mr.
Naidu, Mr. B. P
Neogy, Mr K. C.
Prakasam, Mr T.
Rang Behari Lal, Lala
Rao, Mr. G. Sarvotham.
Sarda, Rai Sahib Harbilas
Singh, Mr Narayan Prasad
Singh, Mr. Ram Narayan
Sinha, Kumar Ganganand.
Sinha, Mr. R P.
Sinha, Mr Siddheswar.

NOES—57.

Abdul Haye, Mr.
Abdul Matin Chaudhury, Maulvi.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abdullah Haji Kasim, Khan Bahadur Haji
Ahmad, Khan Bahadur Nasir-ud-din
Ahmed, Mr K.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid
Ayangar, Mr V. K. Aravamudha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami
Badi-uz-Zaman, Maulvi.
Bajpai, Mr. G. S.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Chalmers, Mr T. A.
Coatman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A
Courtenay, Mr R H.
Crerar, The Honourable Mr. J.
Crofton, Mr. R M.
Dalal, Mr. A R
Dalal, Sardar Sir Bomanji.
Donovan, Mr J. T.
Dunnett, Mr. J. M.
Farookhi, Mr Abdul Latif Saheb
Ghazanfar Ali Khan, Raja
Ghuznavi, Mr A. H
Gidney, Lieut.-Colonel H. A. J.
Goswami, Mr. T. C.
Haigh, Mr. P. B.
Irving, Mr. Miles.
Ismail Khan, Mr.
Jayakar, Mr. M. R.
Jowahir Singh, Sardar Bahadur Sardar.
Kabul Singh Bahadur, Captain.
Keane, Mr M
Kirk, Mr R. T. F.
Mitra, The Honourable Sir Bhupendra Nath
Muhammad Nawaz Khan, Lieut. Sardar.
Mukherjee, Mr. S. C.
Parsons, Mr. A A. L
Purshotamdas Thakurdas, Sir.
Rainy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Ruthnaswamy, Mr. M.
Sams, Mr. H. A.
Shah Nawaz, Mian Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Rai Bahadur S. N.
Suhrawardy, Dr. A.
Tonkinson, Mr. H
Wright, Mr W. T M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

[The Motion was negatived.]

Mr. N. C. Kelkar . Sir, in the present temper of the House I am not going to help in the massacre of the innocents I will try and save the victim ! I do not move the amendment* standing in my name.

* To clause 2 of the Bill the following Explanations be added —

"*Explanation 1*—It is not an offence under this section to set out facts and offer criticism based on such facts, pertaining to the public conduct of founders or saints or representative-men or protagonists of any religion or any sect of any religion, provided that such setting out of facts and such criticism is not malicious.

Explanation 2—It is not an offence under this section to set out facts, and to offer criticism based on such facts, pertaining to the principles, doctrines or tenets or observances of any religion or any sect of any religion, in the course of a historical or philosophical or sociological diquisition, and with a view to promote social or religious reform."

[Mr. M. K. Acharya.]

tions ought not to be allowed. What is the use of punishing one man and sending him to jail, when the book goes on circulating, when the publication is passed from hand to hand? Your object is absolutely defeated One stupid fanatical man in jail does not solve the problem. My Muhammadan friends will reply emotionally. I sometimes wish my Hindu friends were emotional also The publication will go on circulating like hot chestnuts as has been said. Therefore, Sir, I think my amendment is very much more effective, because punishing the man is going to be very troublesome. It will be very difficult to prove his malice, as I said. Of course the lawyers will have plenty of work I am not going into that, that is for the other section; but if the Government be so pleased as to order a prosecution, which is very doubtful, I say it will be very, very paying to some of my able criminal lawyers But how is the real malady to be treated? Where is the real physic to be administered? Where is the prevention after all? And therefore I submit, Sir, that with regard to books written in this vein, and whether they are deliberately malicious or not, the writer ought to take ample precaution to see that his book has not the result of offending the feelings of large communities He must calculate all the effects of his book. It will not do to say: "Well, I am only interested in academic or philosophical discussion. In the other section it may be very difficult to deal with him where it will have to be proved directly that he had deliberate malicious intention to hurt their feelings. And even if there is not that deliberate intention, the speech or publication must be proscribed, if the words are reasonably calculated, in the opinion of reasonable people, to create feelings of great annoyance—strong feelings are sometimes roused up very much. Even in a very, very old philosopher like me, feelings are stirred up when my women or religion is insulted; it does not matter if I am myself insulted; but when my God is insulted, when my religion is insulted, and the womanhood of India is insulted when things of that kind happen, when our religion is made responsible for all these silly things, I ask, what great harm is done to anybody if these books are taken out of the market and kept out of harm's way? Somebody has said, "Love laughs at locksmiths". I may say "Knavery laughs at legislators!" The clever criminal knows how to defy the law. I know there will be some people who will clandestinely get these books, put them under their beds and read them But no great harm can come out of that. They will not be able to circulate these books and openly and defiantly say "I am doing this and I am not going to be afraid of the law or the consequences of the pronouncements of judges". Therefore, I thought that this is the very least thing that we can do, if really we are serious. Of course Government may not be serious, but it is their lookout, but I assume that the Government are serious, or at least my friends believe that this is a very serious legislation which is going to help them. I do not myself believe it. I think this legislation is not going to help us very much. But if it is going to be of any use, let us see that such publications as really create all this great agitation in the minds of people, are brought within the purview of this Bill, so that we may prevent—we cannot, perhaps, altogether remedy—the spreading of any class of literature which is calculated to wound the religious feelings of people. There have been many instances in the recent history of our country—I am not going to refer to them here—how we poor Hindus have

been for centuries, many centuries, countless centuries, made to suffer patiently, uncomplainingly—I am not sorry for it—how we have been made to suffer on account of attacks made upon our religion, our religious habits and customs by people who do not know the A B C of spirituality or religion. Everybody of course cannot be expected to take the same sapient view of things, to laugh at these things and go away. Already we have got instances of people, of so-called enlightened people, even among comrades of mine in this House, feeling very greatly agitated, and wanting to pull down the High Court of Lahore or of other places. If that be the feeling in the country even among educated people, and if that feeling cannot be prevented from spreading, let us prevent at least the causes that will bring about such agitation. That is the purpose of my amendment. I do not believe that any good press or any good newspaper will come within the purview of this provision ; I do not believe that any press or any newspaper or any reasonable writer will go about using language calculated to wound the religious feelings of any large section of the community. If they do, then the least thing that we can do is to ask Government to put away those few copies of any paper or pamphlet out of harm's way. This is a very necessary thing, Sir ; and I submit, therefore, that if really this legislation is intended to be of any use and is going to prevent the spreading of writings which will infuriate people and lead them—somebody up here said—to snatch at each other's throats, then this is the very least thing that we can do. I appeal to the self-respect of both the Hindus and the Mussalmans to see that they do not complacently allow the circulation of books, publications and pamphlets that are calculated to hurt the religious feelings of any class of His Majesty's subjects.

Sir, I move my amendment.

Mr. K Ahmed : There is a provision already in the law.

Mr. M. K Acharya : What ? Has this been already provided for foreign publications also ?

The Honourable Mr J Crerar : I think I can offer an explanation which will persuade the Honourable Member that his amendment is not necessary Perhaps the Honourable Member has overlooked sub-clause (i) of clause 3 of the Bill It empowers the Local Government to declare forfeited to His Majesty copies of any literature offending against the Bill ; that is to say, any publication which constitutes an offence under clause 295A is *ipso facto* liable to forfeiture and copies thereof can be seized and forfeited in any part of India where it is found I would only add that what is suggested in the Honourable Member's amendment certainly goes beyond the intentions of this House in referring the original Bill to the Select Committee ; it certainly goes beyond the scope of the commission which we imagined ourselves to have. I would also point out to the Honourable Member that his amendment could not in any case form part of clause 295A which is a penal clause and creates an offence.

5 P.M.

Mr. President : The question is :

"That the following be added to clause 2 and necessary [illegible] clause 3 :

'259 B All books, pamphlets or other publications conta[illegible] representations calculated to insult the religious fe[illegible]

[Mr. President.]

> His Majesty's subjects, if published outside India, shall be *proscribed and if published within India* be *seized and destroyed* by order of, the magistrate within whose jurisdiction the publication takes place'"

The motion was negatived.

Mr. President : The *question* is :

"That clause 2 do stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President : The question is :

"That clause 3 do stand part of the Bill."

(At this stage some Honourable Members rose in their places including Mr. Abdul Haye.)

Mr. President . We have so far not made any change in the recommendations of the Select Committee. I wonder whether the Honourable Member from the Punjab wishes to press his amendment.

Mr. Abdul Haye : I wish to move my amendment. It runs as follows :.. . .. ...

Mr. M S. Sesha Ayyangar : I have got No. 32.

(Some other Honourable Members also said they had their amendments).

Mr. President : Amendments Nos. 23, 24 and 25 are *consequential* amendments. Amendment No 26 Pandit Thakur Das Bhargava.

Mr. Amar Nath Dutt : May I say *one thing in respect of my* amendments ?

Mr. President : The Honourable Member's amendments are merely consequential.

Pandit Thakur Das Bhargava : I beg to move ·

"Delete sub-clause (ii) of clause 3 and renumber sub-clauses (iii) and (iv) as (ii) and (iii), respectively "

A perusal of section 295 of the Indian Penal Code will establish that it deals with offences which are more heinous in their nature than the one which the present Bill seeks to penalise Chapter No XV deals with offences relating to religion......

Mr. President : Order, order. The House now stands adjourned till 11 A.M. on Monday, the 19th instant

The Assembly then adjourned till Eleven of the Clock on Monday, the 19th September, 1927.

[Mr. President.]

> His Majesty's subjects, if published outside India, shall be proscribed and if published within India be seized and destroyed by order of, the magistrate within whose jurisdiction the publication takes place' "

The motion was negatived.

Mr. President : The question is :

"That clause 2 do stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

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(At this stage some Honourable Members rose in their places including Mr Abdul Haye.)

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(Some other Honourable Members also said they had their amendments).

Mr. President · Amendments Nos 23, 24 and 25 are consequential amendments. Amendment No. 26. Pandit Thakur Das Bhargava.

Mr. Amar Nath Dutt : May I say one thing in respect of my amendments ?

Mr. President : The Honourable Member's amendments are merely consequential.

Pandit Thakur Das Bhargava : I beg to move :

"Delete sub-clause (i) of clause 3 and renumber sub-clauses (ii) and (iii) as (i) and (ii), respectively."

A perusal of section 295 of the Indian Penal Code will establish that it deals with offences which are more heinous in their nature than the one which the present Bill seeks to penalise. Chapter No. XV deals with offences relating to religion......

Mr. President : Order, order. The House now stands adjourned till 11 A.M on Monday, the 19th instant.

The Assembly then adjourned till Eleven of the Clock on Monday, the 19th September, 1927.

LEGISLATIVE ASSEMBLY.

Monday, 19th September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

Resolution regarding the Prohibition of Liquor.

1062. ***Maulvi Badi-uz-Zaman** : (*a*) Will the Government be pleased to state whether they have taken any steps to give effect to the Resolution passed in the Assembly regarding the prohibition of liquor ?

(*b*) If not, will the Government please state the reason for not giving effect to the Resolution ?

(*c*) Are the Government prepared to give effect to it without any delay ?

The Honourable Sir Basil Blackett : With your permission I propose to answer questions Nos. 1062 and 1126 together.

As stated last year on the 19th August in reply to question No. 134, Government have decided not to take any action on the Resolution in question for the reasons given by me in my speech on the 2nd September 1925.

Mr K Ahmed : How long will Government take to consider the question and give effect to the Resolution ?

Mr. President : The Honourable Member has not heard the reply. The reply was that the Government had decided not to take any action.

Mr K. Ahmed : Declined to take any action ? Are Government aware that it is an insult to the Members of this House not to give effect to the wishes of the country.....

Mr President : The Honourable Member knows that Resolutions passed by this House are recommendatory and not binding on the Government.

The Honourable Sir Basil Blackett : The answer is in the negative.

New Pension Rules

1063. ***Maulvi Badi-uz-Zaman** : (*a*) Have any new pension rules been sanctioned recently by the Secretary of State for India for Government servants ?

(*b*) If so, will the Government be pleased to lay them on the table ?

The Honourable Sir Basil Blackett : I would refer the Honourable Member to the reply which I gave on the 30th August, 1927, to part (*a*) of question No. 86, asked by Mr. Amar Nath Dutt.

TOTAL NUMBER OF ASSISTANTS AND CLERKS IN THE NEW BRANCH OF THE HOME DEPARTMENT CREATED IN CONNECTION WITH THE STATUTORY COMMISSION.

1064. *Maulvi Muhammad Yakub : (a) What is the total number of assistants and clerks in the new branch of the Home Department created in connection with the Statutory Commission ?

(b) Is it a fact that no Muslim has been taken in this section ?

The Honourable Mr J. Crerar : (a) One assistant, a clerk, a typist and a stenographer have so far been appointed

(b) Yes.

PROPORTION OF MUSSALMANS IN THE OFFICE OF THE CENTRAL BOARD OF REVENUE.

1065. *Maulvi Muhammad Yakub : (a) What is the total number of office establishment in the office of Central Board of Revenue ? Is it a fact that within this year 4 or 5 Mussalmans who were employed in this office have been transferred to other offices and their place has been taken by non-Muslims ?

(b) What is the present proportion of Mussalmans in this office at present as compared to the proportion of last year ?

The Honourable Sir Basil Blackett : (a) The answer to the first part of the question is 42, and to the second part, in the negative

(b) 19 per cent in both the years.

NUMBER OF MUSLIM GAZETTED OFFICERS IN THE RAILWAY BOARD.

1066. *Mr. Abdul Haye : (a) Will the Government be pleased to state the number of gazetted officers including gazetted Superintendents employed in the Railway Board at present ?

(b) How many of these officers are Muslims and how many are Hindus ?

(c) Are Government taking any action to increase the number of Muslims ?

Mr. A A. L Parsons : (a) 23.

(b) Hindus 5 , Muslim 1.

(c) No special steps have been taken.

Mr K. Ahmed : In view of the fact that the Muhammadans are below the proper proportion in service, do Government propose to take steps to give a due share to them ?

Mr. A. A. L Parsons : I did not catch the Honourable Member's question.

Mr K. Ahmed : In view of the fact that the Muhammadans are entitled to a fixed proportion, do Government propose to take steps to give effect to their promise ?

Mr A A L. Parsons : I do not accept the statement made by the Honourable Member.

NUMBER OF MUSLIM ASSISTANTS IN THE RAILWAY BOARD.

1067. *Mr. Abdul Haye : (a) Will the Government be pleased to state the total number of assistants excluding stenographers employed at present in the Railway Board ?

(b) Is it a fact that there is not a single Muslim permanent assistant in the Railway Board ?

(c) If the answer to (b) above is in the affirmative will Government please state what action is being taken to increase the number of Muslims ?

Mr. A. A. L. Parsons : 30.

(b) Yes.

(c) 4 Muslim clerks have been appointed to officiate as assistants.

Mr. K. Ahmed : In view of the fact that it has become absolutely necessary to act according to the promise of the Government, do Government propose for their own prestige and dignity to give effect to the promise of 33 per cent. which should be acted upon ?

Mr. A. A. L. Parsons : I think my reply shows that it has been doing so.

NUMBER OF MUSLIM GAZETTED OFFICERS IN CERTAIN SPECIFIED ACCOUNTS OFFICES.

1068. *Mr. Abdul Haye : (a) Will the Government please state the total number of gazetted officers in the following offices ?

I. Office of the Auditor General.
II. Office of the Military Accountant General
III. Office of the Accountant General, Railways.
IV. Office of the Audit Officer, Indian Stores Department.
V. Office of the Accountant General, Central Revenues

(b) How many of these officers are Hindus and how many are Muslims ?

(c) Is it a fact that in some of these offices not a single Muslim officer has been posted ever since the offices came into existence, and if so, may such offices please be specified ?

(d) What is the number of appointments made in the ministerial establishments in these offices during the last two years ?

(e) How many of the men appointed were Muslims and how many of the Muslims appointed are at present in service ?

(f) Are Government taking any action to ensure an increase of Muslims in these offices by recruiting more Muslims in future ?

The Honourable Sir Basil Blackett : I propose to reply to questions Nos 1068, 1070, 1072, 1074 and 1075 together.

I would refer the Honourable Member to the Honourable Sir Charles Innes' reply to Maulvi Muhammad Yakub's unstarred question No. 3 on the 27th January 1927 That reply still holds good in the case of the offices referred to in these questions.

Mr. K Ahmed : In view of the fact that Government have not suitably answered this question, do Government propose now for the benefit

of the country to answer the question in full and give satisfaction to the Members of this Assembly by adhering to the promise given by them ?

The Honourable Sir Basil Blackett : Government always give effect to their promises.

Mr. K. Ahmed : Is it not a fact that Government Members say that things are right when they are not right ?

INCREASE OF MUSLIM OFFICERS OF THE INDIAN AUDIT AND ACCOUNTS SERVICE EMPLOYED ON THE STATE RAILWAYS.

†1070 ***Mr. Abdul Haye :** (*a*) Will Government please state the total number of officers of the Indian Audit and Accounts Service at present employed on the four State Railways ?

(*b*) How many of these officers are Hindus and how many are Muslims ?

(*c*) Are Government taking action to increase the number of Muslims in the Railway Department ?

NUMBER OF MUSLIMS IN THE AUDIT OFFICE, INDIAN STORES DEPARTMENT.

†1072. ***Mr. Abdul Haye :** (*a*) How many ministerial appointments both temporary and permanent were made from 1st January to 31st August, 1927, in the Audit Office, Indian Stores Department, and how many of these were given to Muslims ?

(*b*) If no Muslim was appointed, what action do Government propose to take to ensure that Muslims are appointed ?

MUSLIMS IN TEMPORARY AND PERMANENT APPOINTMENTS IN MINISTERIAL ESTABLISHMENT OF THE OFFICE OF THE ACCOUNTANT GENERAL, RAILWAYS.

†1074. ***Mr. Abdul Haye :** (*a*) Will Government please state how many vacancies both temporary and permanent were filled up in the ministerial establishment of the Office of the Accountant General, Railways, from 1st December, 1926 to 31st August, 1927 ?

(*b*) Is it a fact that not a single Muslim was appointed to any of these posts ?

(*c*) Were these posts advertised for ? If not, why ?

(*d*) Did any Muslim graduate apply for these posts ? If so, why were Muslim graduates not employed ?

(*e*) Were any non-Muslim clerks appointed by the Accountant General, Railways, in his office in preference to Muslim candidates ? If so, what were the educational qualifications of these non-Muslim clerks ?

APPOINTMENT OF MUSLIMS AS DIVISIONAL ACCOUNTANTS IN THE OFFICE OF THE ACCOUNTANT GENERAL, RAILWAYS.

†1075. ***Mr. Abdul Haye :** (*a*) Is it a fact that 15 Divisional Accountants in lieu of clerks have recently been appointed by the Accountant General, Railways ?

† For answer to this question, see answer to question No. 1068.

(*b*) If so, how many of these are Muslims ?

(*c*) How many Muslims applied for these posts of Divisional Accountants-in-lieu of clerks and what were their educational and professional qualifications and length of service ?

(*d*) What were the educational and professional qualifications and length of service of the non-Muslim Divisional Accountants appointed by the Accountant General, Railways in the above posts ?

(*e*) Why were the claims of Muslims ignored by the Accountant General, Railways, in making the above appointments, and did he know that out of a total number of 150 Accountants serving under him, only 3 were Muslims ?

(*f*) When will [illegible] s in pursuance of the [illegible] ment, which is ove [illegible]

MUSLIM GAZETTED OFFICERS EMPLOYED ON THE FOUR STATE RAILWAYS.

1069 ***Mr. Abdul Haye**: (*a*) Will Government please state the total number of gazetted officers employed on the four State Railways ?

(*b*) How many of these officers are Hindus and how many are Muslims ?

Mr. A. A. L. Parsons: (*a*) and (*b*). The information may be obtained from the Railway Board's Classified list a copy of which is in the Library.

NUMBER OF MUSLIMS IN THE MINISTERIAL ESTABLISHMENT OF THE RAILWAY CLEARING HOUSE.

1071 ***Mr. Abdul Haye**: (*a*) Will Government please state the total number of appointments made in the ministerial establishment in connexion with Railway Clearing House ?

(*b*) How many of the men appointed were Muslims and how many *of the Muslims appointed are now in service ?*

Mr A A. L. Parsons: (*a*) The present sanctioned cadre for su[illegible] ordinate establishment for the Clearing Accounts Office is 830 Most [illegible] the appointments were filled by the transfer of men from other accoun[illegible] offices.

(*b*) The information is not available and Government do not thin[illegible] it desirable to call for it

NUMBER OF MUSLIM CLERKS APPOINTED IN THE RAILWAY BOARD FROM 1ST JANUARY TO 31ST AUGUST 1927

1073. ***Mr. Abdul Haye**: How many clerks both temporary and permanent were appointed from 1st January to 31st August 1927 [illegible] office of the Railway Board and how many of these were Muslims ?

Mr. A. A. L. Parsons : Nine ; out of these 3 were Muslims

SPEECH OF SIR EDWARD GRIGG IN THE LEGISLATIVE COUNCIL OF KENYA.

1076. ***Mr. B. Das** : (*a*) Has the attention of the Government been drawn to the speech of His Excellency Sir Edward Grigg in the Kenya Legislature ?

(*b*) In reference to the definite announcement curtailing the liberties of Indians in Kenya Colony, will Government be pleased to make a statement to the House as to what action they have taken or propose to take in the matter ?

Mr G S. Bajpai : (*a*) and (*b*). The Honourable Member's attention is invited to the answer given by me on the 6th September 1927 to Mr. Shanmukham Chetty's short notice questions on the same subject. I regret that I am unable to make any statement as the Government of India have not yet received either a text of Sir Edward Grigg's speech or a summary of the recommendations made by the Feetham Commission on Local Government in Kenya.

†1077*—1079*

CONDITIONS OF RELEASE OF BENGAL STATE PRISONERS AND DETENUS.

1080. ***Mr. S. C. Mitra** : (*a*) Are Government aware that certain conditions are shown to State prisoners in jail and they are asked if they agree to sign those conditions their cases will be favourably considered but no assurance is given of their release on subscribing to those conditions ?

(*b*) Will Government please explain why they do not make a list of those State prisoners whom they are willing to release if they are agreeable to the terms proposed ?

(*c*) Is it the object of showing the terms to all to tempt State prisoners to make incriminating statements implicating other persons ? If not, will Government please state fully their reasons for this system or procedure ?

The Honourable Mr. J. Crerar : (*a*) If the Honourable Member will read the debate which took place in this House on the 3rd February last, he will see that a declaration by a State prisoner or detenu as to his intentions for the future is an element which would be taken into consideration by Government in dealing with the question of release, though it is not the determining factor. An opportunity is accordingly given to State prisoners and detenus to give an undertaking as to their future conduct if they so desire, but obviously no assurance of release in consequence of any such undertaking could be given

(*b*) It is not the case, as the Honourable Member assumes, that Government are not prepared to release a detenu unless he gives an undertaking

(*c*) The Honourable Member will see that in the debate to which I have just referred my predecessor explicitly stated that a declaration

† Not put at the meeting, but the questions and answers thereto will be found at pages 4563—64 of these proceedings.

would not amount to a confession of having taken part in such activities in the past. The answer to the first part of this paragraph of the Honourable Member's question is therefore in the negative. The declaration refers to the future, not to the past. I have explained in my answer to (*a*) what is the object of this procedure.

Mr Satyendra Chandra Mitra : Is the Honourable the Home Member aware that the terms are enforceable under clause (*c*) of section 11 by serving notice on those persons ?

The Honourable Mr. J. Crerar : Will the Honourable Member be good enough to repeat the question ?

Mr. Satyendra Chandra Mitra : The terms which are shown to these persons are enforceable under clause (*c*) of section 11 of the Bengal Criminal Law Amendment Act, and in fact, on some of these persons these terms were served as notice and they are enforceable.

The Honourable Mr. J. Crerar : If an infringement of the terms takes place, the Government can take consequential action—is that the Honourable Member's question ?

HUNGER STRIKES AMONGST THE BENGAL STATE PRISONERS AND DETENUS.

1081. ***Mr. S. C. Mitra :** Will the Government be pleased to supply a list of hunger-strikes that have taken place amongst the Bengal State prisoners and detenus during the last four years ?

The Honourable Mr. J. Crerar : I regret I am not prepared to supply such a list.

TRANSFER OF BENGAL STATE PRISONERS AND DETENUS TO JAILS OUTSIDE BENGAL.

1082. ***Mr S. C Mitra** . (*a*) Will Government kindly explain the principle and reasons why Bengal State prisoners and detenus are transferred to jails outside their Province ?

(*b*) Are not Government aware that there is a good deal of difference in the nature and preparation of food in different Provinces and that detenus suffer greatly from the language difficulty and want of facilities for interviews with their relatives ?

The Honourable Mr J. Crerar : (*a*) There are difficulties in keeping more than a limited number of State prisoners and detenus in any one jail, and the number of jails in Bengal in which they can be accommodated at all is limited

(*b*) Government have realised that transfer to a jail outside Bengal may mean certain differences of diet and fewer opportunities of interviews, but do not consider that any avoidable hardship is involved.

†1083*—1084*.

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† Not put at the meeting, but the questions and answers thereto will be found at pages 4564—65 of these proceedings.

EYE-SIGHT TESTS OF GAZETTED OFFICERS AND SUBORDINATE STAFF OF STATE RAILWAYS.

1085. ***Lieutenant-Colonel H. A. J. Gidney** : 1. Will the Honourable Member please inform this House if it is a fact that :

(*a*) Railway officials who are recruited in England for employment in all superior Railway Departments are accepted as physically fit with defective vision up to a maximum error of 3.5 Diopters, corrected with suitable glasses to 6|6 in one eye and 6|9 in the other ?

(*b*) this visual test is based on the Board of Trade Rules and accepted by the Medical Board of the India Office ?

2. If the answer to (1) is in the affirmative, will the Honourable Member please state if it is a fact that Medical Officers of all Indian State Railways demand from railway officials on first appointment a visual acuity equal to that of the Royal Navy, *i.e.*, 6|6 in each eye without glasses ? Is it a fact that this is an unheard of visual requirement in any Department of Railways in the Empire ?

3. Will Government be prepared to remedy this anomaly ?

4. Is it a fact that a Committee of Railway Medical Officers recently met and drew up a report correcting this visual anomaly, and that this report was submitted for the approval of the Railway Board ?

5. If so, will the Honourable Member please state if he has examined this report and when orders will be issued on it ?

Mr. A. A. L. Parsons : As my reply is both long and technical, I should like, with your permission, and if the Honourable Member has no objection, to lay it on the table.

1. (*a*) The rule referred to by the Honourable Member was in existence, but has since been modified Government have no information as to the standards of visual acuity now adopted for gazetted railway officers recruited in England, but in the case of subordinates such as guards, engine drivers, etc, a candidate is disqualified unless both eyes are emmetropic and acuteness of vision and range of accommodation perfect

(*b*) In view of the answer given above, this question does not arise.

2. The statement made by the Honourable Member is not correct. Standards have recently been laid down for gazetted officers appointed on Railways which in no case require 6|6 acuity of vision in each eye without glasses As regards subordinates the information at Government's disposal shows that only a certain class, *viz*, foot-plate staff, are required on recruitment to have 6|6 acuity of vision, in each eye without glasses, and that this class, on re-examination while in service, are permitted a lower standard

3, 4 and 5 Government have received the Report of the Standing Advisory Committee of Medical Officers on the standards of physical fitness—including acuity of vision Rules regarding gazetted officers have been issued along with the Regulations for recruitment in the Gazette of India of the 9th July 1927, and the Secretary of State has been requested to adopt the standards for candidates to be recruited in England The Committee's report on the standards for subordinates is under the consideration of the Government

SPECIAL COURSE IN OPHTHALMIC SURGERY FOR RAILWAY MEDICAL OFFICERS OF STATE RAILWAYS.

1086. ***Lieutenant-Colonel H. A. J. Gidney** : (*a*) Will the Honourable Member be pleased to state if all Railway Medical Officers recruited both in India and England undergo a special course in ophthalmic surgery, with special reference to their official professional work of which visual tests and opinions form an important part ?

(*b*) If not, are Government prepared to issue orders that this course of study do form a part of every Railway Medical Officer's training and that none who have not undergone a special ophthalmic training be employed as Medical Officers on State Railways ?

Mr. A. A. L. Parsons : (*a*) No. But candidates who have undergone a special course in ophthalmic surgery are given special consideration, other qualifications being also taken into account.

(*b*) Government do not propose to issue such orders.

INDIANS APPOINTED AS KING'S COMMISSIONED OFFICERS, ETC.

1087. ***Mr. Mukhtar Singh** : Will the Government be pleased to state in regard to the following appearing in the Indian Sandhurst Committee Report, page 11, paragraph 9, sub-paragraphs 2 and 3 .

" of the 44 Indian boys who have passed successfully out of Sandhurst, 42 now remain in the Indian Army. The other two have for different reasons resigned their commission,

of the 83 boys who passed the Sandhurst entrance examination, 35 were residents of the Punjab, 12 belong to Bombay, 9 each to the United Provinces and Bengal, 5 to the North-West Frontier Province, 3 each to Rajputana and Hyderabad, 2 each to Burma and Coorg and one each to Bihar, Assam and the Central India Agency "

(*a*) How many of these 44 and 83 boys are Moslems, Hindus including Sikhs and others ?

(*b*) How many of these 44 boys are from each of the different Provinces of India and how many of these are Maratha Brahmins and Maratha non-Brahmins ?

(*c*) How many of the Provincial quotas forming these 83 boys, are Moslems, Hindus including Sikhs and others ?

(*d*) How many of the 12 boys forming the quota of Bombay are Maratha Brahmins and Maratha non-Brahmins and others ?

Mr. G. M Young : (*a*) —(*d*) As much as possible of the information desired by the Honourable Member will be obtained and communicated to him in due course.

STOPPAGE OF THE RECRUITMENT OF HINDUS TO THE MINISTERIAL OR TECHNICAL ESTABLISHMENT OF THE FOREST RESEARCH INSTITUTE AT DEHRA DUN

1088. ***Mr. Mukhtar Singh** : (*a*) Will the Government be pleased to state if it is a fact that Mr. C G Trevor, acting for the President, Forest Research Institute and College, has issued an order to the following effect ?

With a view to stop the preponderance of Hindus on the staff of the Forest Research Institute and College it is hereby laid down

that until further orders no Hindu will be appointed on the ministerial or technical establishment whether permanent or temporary unless the candidates of the following communities who come forward are to be forced to be unqualified or unsuitable :

Moslems, Anglo-Indians, Christians and other communities.

(*b*) Was this action of Mr. Trevor in accordance with the orders or policy of Government ?

(*c*) If not, what action do the Government propose to take in the matter ?

(*d*) Will the Government be pleased to state if it is the policy of the Government to introduce communalism even in Institutions which are of a highly technical nature ?

Mr. A R Dalal : (*a*) Yes.

(*b*) The order does not correctly carry out the intentions of Government

(*c*) Instructions are being issued to withdraw the order.

(*d*) If by " communalism " the Honourable Member means the securing of adequate representation of minority communities, the principle will be applied with special caution in the case of services in which high technical qualifications are the most important requirement.

Mr. B. Das : Are Government officials in high positions allowed to foster communal discord between the different sections of the people of India ?

(At this stage Mr K. Ahmed rose in his place.)

Mr. President : Order, order. Mr Ram Narayan Singh.

Mr K. Ahmed : Am I not entitled according to the Rules and Standing Orders of this Assembly to put questions ?

Mr. President : Order, order. Mr. Ram Narayan Singh.

Mr Ram Narayan Singh : Question No. 1089

RESOLUTION REGARDING THE BACKWARD TRACTS IN BIHAR AND ORISSA

1089. *Mr. **Ram Narayan Singh** : With reference to the Government's reply to Mr. Gaya Prasad Singh's question No. 102 on Monday, 22nd August 1927, will the Government be pleased to state whether in submitting to the Secretary of State for India a copy of the resolution on " Backward Tracts " in the province of Bihar and Orissa, they made any remarks thereon and if so, what ?

The Honourable Mr. J. Crerar : The Honourable Member is referred to the reply which I gave to part (*a*) of his question No. 554 on the 29th August 1927 and the earlier answer referred to therein.

GOVERNMENT POLICY IN REGARD TO THE KHADI MOVEMENT.

1090 *Mr. **Ram Narayan Singh** : Will the Government be pleased to state their policy about and attitude towards the Khadi (hand woven and hand spun cloth) movement in this country ?

The Honourable Sir Bhupendra Nath Mitra : The Honourable Member's question will be fully answered when his Resolution on a somewhat similar subject comes up for discussion to-morrow.

†1091*—1092*.

ABOLITION OF TOLLS ON THE RAILWAY BRIDGE OVER THE RIVER GANDAK.

1093. ***Maulvi Muhammad Shafee** : (*a*) What principle do the Government recognize for permitting the levy of tolls on bridges constructed and maintained either by Government or Railway Companies for crossing rivers or waterways ?

(*b*) Are Government aware that the bridge on the river Gandak between Sonepore and Hajipore within the jurisdiction of the Saran and Muzaffarpur Districts in the province of Bihar and Orissa for the Bengal and North Western Railway was constructed some time in 1885 and that a footpath was attached to the bridge for the convenience of foot passengers ?

(*c*) Are Government aware that the cost of attaching the footpath to the bridge as related by the Railway Company amounts to no more than two lakhs of rupees ?

(*d*) Are Government aware that the heaviest rate of toll which is one anna per passenger has been realized from those who cross the bridge since the year 1885 ?

(*e*) Are Government aware that the sum realized as toll up to the last financial year amounted to about 5 lakhs of rupees ?

(*f*) Are Government aware that there is a very strong feeling in the country against the levy of tolls on that bridge ?

(*g*) Are Government aware that the Bihar and Orissa Legislative Council has recently passed a Resolution recommending the abolition of the tolls on the said bridge ?

(*h*) Will the Government be pleased to state what steps the Government are going to take in the matter ?

Mr A. A. L Parsons : (*a*) Railways are entitled to levy tolls on footpaths of bridges constructed at their expense, but if a Local Government *compensates a railway for the loss in net receipts which would follow* the abolition of such tolls, the railway administration ceases to charge the tolls

(*b*) Yes, the bridge was constructed in 1887.

(*c*) The cost was Rs. 2,10,000

(*d*) Yes, the tolls have been levied at the rate of 1 anna per passenger since 1887

(*e*) No. Records do not exist to show the sum

(*f*) No.

(*g*) No.

† Not put at the meeting, but the questions and answers thereto will be found at page 4565 of these proceedings

(*h*) There has been correspondence between the Government of India and the Government of Bihar and Orissa on the question of the abolition of these tolls and the Local Government decided last year not at present to press for their abolition. It is for the Local Government to reopen the question and the Government of India propose to take no further action unless this is done.

Mr. Gaya Prasad Singh : Are Government aware that the Bengal and North Western Railway has been more than compensated for the expense which it incurred in making that footpath by the levy of tolls for a long number of years ?

Mr. A. A. L. Parsons : If the figure which the Honourable the questioner mentioned, namely, 5 lakhs, is correct, it seems likely that this footpath has been kept open at a continuous loss to the Bengal and North Western Railway from the beginning.

CANCELLATION OF THE PASSPORT GRANTED TO MR. SAKLATWALA, M.P.

1094. ***Mr. Gaya Prasad Singh** : (*a*) Has the attention of the Government been drawn to a London telegram published in the *Pioneer*, dated the 5th September 1927 (page 3), in which it is stated that the validity of the passport granted to Mr. Saklatwala, M.P., in December 1926, has been cancelled " at the desire of the Indian authorities ", and that he will not be allowed to enter India ?

(*b*) Is this correct ; and if so, why have the Indian authorities recommended the cancellation of the passport ?

(*c*) What objection have the Government to lay the correspondence in this connection on the table ?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) It is the case that the validity of Mr. Saklatwala's passport for India has been cancelled, mainly on the ground of his conduct in India during his last visit. The Government of India and the Secretary of State were in complete agreement that this action should be taken.

(*c*) I do not consider that it would be in the public interest.

Mr. Gaya Prasad Singh : What is the conduct of Mr. Saklatwala referred to which justifies the Government of India in recommending the cancellation of the passport ?

The Honourable Mr. J. Crerar : The conduct of Mr. Saklatwala is that which the Government of India and the Secretary of State regarded as likely to be prejudicial to the public interest.

Mr. Gaya Prasad Singh : Will the Honourable Member be more specific on this point ?

The Honourable Mr. J. Crerar : No, Sir.

Mr. A. Rangaswami Iyengar : Have the Government of India considered the desirability of taking other action instead of this improper one of cancelling the passport ?

The Honourable Mr. J. Crerar : That question has occupied the attention of Government.

Mr. A. Rangaswami Iyengar : Did they consider the question of prosecuting him or taking any other action under the ordinary law of the country instead of this administrative action ?

The Honourable Mr. J. Crerar : I have already replied on that point

Mr. N M. Joshi : May I ask what made the Government of India think that the presence of Mr. Saklatwala would lead to a disturbance of tranquillity ?

The Honourable Mr. J. Crerar : I have already answered that question

Mr. B. Das : May I inquire if Mr. Saklatwala's visit to India last year and his public conduct was in any way harmful to the public interest in India ?

The Honourable Mr. J. Crerar : My answer refers to Mr. Saklatwala's last visit to India

Mr. A. Rangaswami Iyengar : May I know if the Government definitely decided that this was the suitable action to take by way of punishing Mr. Saklatwala's conduct in India ?

The Honourable Mr. J. Crerar : No, Sir. It is not punishment

Mr A. Rangaswami Iyengar : What is the object of this action, Sir ?

The Honourable Mr. J Crerar : Prevention.

Mr. A Rangaswami Iyengar : May I know if there has been any disturbance of public tranquillity in consequence of Mr. Saklatwala's visit ?

The Honourable Mr J. Crerar : As I pointed out, the object was to prevent any breach of public tranquillity.

Mr. A. Rangaswami Iyengar : May I know whether Government had any reason, on account of Mr. Saklatwala's action in the past, to justify the action ?

The Honourable Mr. J Crerar : They had reason to apprehend the possibility of a breach of tranquillity.

REJECTION OF THE APPLICATION OF AN INDIAN STUDENT TO BE ALLOWED TO ASSIST IN THE WATER DEPARTMENT OF THE NEW MILLS COUNCIL.

1095. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that an Indian student in England studying at the Manchester College of Technology made an application to the New Mills Council to be allowed to assist in the Water Department of the Council during his long vacation, but his application was rejected after discussion on the ground that he was an " outsider " ?

(*b*) Do Government propose to ascertain the facts of this case from the High Commissioner for India, and indicate what steps are proposed to be taken in the matter ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) and (*b*). The Government of India have no information but have addressed the High Commissioner in the matter.

Mr Gaya Prasad Singh : Will the information be communicated to me or to the House ?

The Honourable Sir Bhupendra Nath Mitra : It will be communicated to the Honourable Member.

RESTRICTION OF THE EMPLOYMENT OF GURKHAS TO THE ARMY AND REGULAR MILITARY POLICE BATTALIONS.

1096. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that an order has been issued by Government that no Gurkhas of Nepalese nationality should be given any employment except in the Army, and in regular military police battalions, and then only up to the existing sanctioned strength ?

(*b*) What is the existing sanctioned strength of the Gurkhas of Nepalese nationality in the Army, and in the regular military police battalions ?

Sir Denys Bray : (*a*) Yes, Sir, in deference to wishes expressed by the Nepal Government.

(*b*) *Army* 21,166 (including 2,000 reserve) *Military Police* 3,478.

VALUATION OF GOVERNMENT HOUSE PROPERTIES IN SIMLA.

1097. ***Mr. Gaya Prasad Singh** : Will the Government be pleased to give an approximate valuation of Government house properties in Simla ; and also indicate if additional quarters will be required to be built in New Delhi for office and residential purposes, in connection with the proposed longer stay of the Government in New Delhi ?

The Honourable Sir Bhupendra Nath Mitra : The book value of residential and non-residential buildings of the Central Government in Simla is roughly estimated at Rs. 2,20,00,000, but the actual value is probably slightly higher. The above figure does not include the value of Railway properties in Simla.

A longer stay in Delhi by itself is not likely to involve the construction of additional accommodation for office and residential purposes.

PRESERVATION OF THE MOSQUES OF THE SHARQI KINGS AT JAUNPUR.

1098. ***Maulvi Muhammad Yakub** : Are Government aware that the mosques of the Sharqi kings at Jaunpur, *viz*, the Jami Masjid, the Atala Masjid, and the Lal Darwaza Masjid, which have been declared protected under the Ancient Monuments Preservation Act, VII of 1904, are in a dilapidated condition requiring repairs, and the Archæological Department is unable to maintain them for the reason that their *Mutawallis* refuse to enter into an agreement with the Government in respect of their maintenance ? If so, what action do the Government propose to take for the preservation of these mosques ?

Mr A. R. Dalal : Yes. Government are enquiring into the matter.

EMPLOYMENT BY MEMBERS OF THE INDIAN LEGISLATURE OF RETAINERS FOR THEIR FIRE-ARMS

1099 ***Maulvi Muhammad Shafee** : (*a*) Will the Government be pleased to state whether the exemptees under clause (1) (*a*) of Schedule

I of the Indian Arms Rules, 1924, are allowed to keep retainers for their arms ?

(b) If the answer be in the affirmative, will the Government be pleased to state whether the Members of the Indian Legislature are included in that category and thus permitted to keep retainers ?

(c) Has the attention of the Government been drawn to the fact that the provisions with regard to keeping retainers in the Indian Arms Rules, 1924, have been differently interpreted by several Local Governments and that thus there are different and often contradictory procedures adopted in the several provinces with regard to giving permission for keeping retainers ?

(d) Are Government prepared to take steps to make uniform provisions to be followed in all the provinces in regard to keeping retainers by the Members of the Indian Legislature ?

The Honourable Mr. J. Crerar : (a) The exemption granted to those named in clause 1 (a) of the Schedule is personal, and does not extend to retainers or servants

(b) Does not arise.

(c) and (d). Government are not aware that a different procedure is followed by different Local Governments, but they will enquire.

†1100*—1103*.

RECRUITMENT FOR THE AUDIT AND ACCOUNTS DEPARTMENT.

1104. ***Mr. Sarabhai Nemchand Haji** : (a) Is it a fact that in pursuance of Resolution No 1279-F E of the Government of India, Finance Department, the Government of India have stopped recruiting non-Indians for their Audit and Accounts Department ?

(b) Is an English qualification insisted upon in the case of appointments in the Audit and Accounts Department ?

The Honourable Sir Basil Blackett : The reply to part (a) of the question is in the affirmative and to part (b) in the negative

RESOLUTION REGARDING INDIANISATION OF THE HIGHER GRADES OF PORT TRUST SERVICES

1105. ***Mr. Sarabhai Nemchand Haji** : What action has been taken by Government in connection with the Resolution of the Honourable Sir P. C. Sethna in the Council of State on 26th January 1922, recommending Indianisation of the higher posts in the services of the Port Trusts ?

The Honourable Sir George Rainy : Under the various Port Acts, the Boards of Trustees exercise statutory power to appoint their own officers, except in the case of the highest appointments In the debate in the Council of State, to which the Honourable Member refers, it was recognised that the most practical step that the Government could take to increase the number of Indians in the higher grades of the Port services would be the amendment of the Port Acts so as to increase the number

† Not put at the meeting, but the questions and answers thereto will be found at pages 4565—67 of these proceedings.

of Indians on the Boards, in which the power of appointment is vested. The Port Acts of the principal ports were accordingly amended for this purpose, and I am informed that the number of Indians appointed by the Board is now increasing.

APPOINTMENT OF ASSISTANT ACCOUNTANT UNDER THE PORT COMMISSIONERS, CALCUTTA.

1106. *Mr. Sarabhai Nemchand Haji: (a) Has the attention of the Government been drawn to an advertisement in the Calcutta papers inviting applications for the post of Assistant Accountant under the Port Commissioners, Calcutta, the post being open to "fully qualified Chartered Accountants European or Indian"?

(b) Is there any reason why the members of the Society of Incorporated Accountants should thus be excluded from applying?

The Honourable Sir George Rainy: (a) Yes.

(b) Government have no information, but have made enquiries in the matter and will communicate the result to the Honourable Member.

Mr. Sarabhai Nemchand Haji: Will the Government take the action necessary in order that this particular post may go to an Indian?

The Honourable Sir George Rainy: I am not aware that it is in the power of the Government of India to take any direct action in the matter.

Mr. B. Das: Will the Honourable Member communicate the result of the inquiry to the Indian Chamber of Commerce about the appointment of accountants in the Port Trust?

The Honourable Sir George Rainy: I am afraid I did not catch the Honourable Member's question.

Mr. K. Ahmed: Is it not in the power of the Government of India to Indianise this Port Trust? Do Government propose to take steps and move the authorities in England, so that what is needful may be done?

The Honourable Sir George Rainy: The Government of India do not propose to undertake legislation to amend the various Ports Acts at present.

Mr. Sarabhai Nemchand Haji: Will they be good enough to communicate this question and their reply to the authorities of the Port Trust?

The Honourable Sir George Rainy: Yes, Sir.

REPRESENTATION FROM THE INDIAN CHAMBER OF COMMERCE IN CONNECTION WITH THE APPOINTMENT OF ASSISTANT ACCOUNTANT UNDER THE PORT COMMISSIONERS, CALCUTTA.

1107. *Mr. Sarabhai Nemchand Haji: Have Government of India received any representation from the Indian Chamber of Commerce, Calcutta, in connection with the appointment of an Assistant Accountant to the office of the Port Commissioners of Calcutta? If so, will they be pleased to lay it on the table?

The Honourable Sir George Rainy: The Government of India have received a representation from the Indian Chamber of Commerce on the subject and a copy has been placed in the Library.

TRANSFER OF THE RAILWAY CLEARING HOUSE TO DELHI.

1108. ***Maulvi Muhammad Yakub**: (*a*) Will the Government be pleased to state if it is a fact that the Government have finally decided to locate the Railway Clearing House at Delhi?

(*b*) If the answer to the above be in affirmative, will the Government be pleased to state in which building or buildings it is going to be accommodated and also when it is going to be transferred from Lahore to Delhi?

(*c*) Is it a fact that notwithstanding the statement made by Mr. A. A. L Parsons in the Legislative Assembly on the 25th March last, the Clearing House is not going to be located in any of the old Government buildings but a new building is going to be hired or purchased for the same?

Mr. A. A L. Parsons: (*a*) Yes

(*b*) and (*c*). The staff are to be accommodated in a building which has been purchased for the purpose and in an existing vacant building of the North Western Railway The transfer of the office from Lahore to Delhi is to take place at the end of this month

RAILWAYS ON WHICH THE CLEARING ACCOUNTS SYSTEM OF WORKING HAS BEEN ESTABLISHED

1109. ***Maulvi Muhammad Yakub**. (*a*) Will the Government be pleased to state in which Railways is the Clearing House system being worked and also in which others its working is likely to be extended in the course of the next ten years?

(*b*) Will the Government be pleased to state the total number of stations on the different railways on which the Clearing House system is being worked and also how many of these stations are nearer to Lucknow than Delhi?

(*c*) What is the total number of stations on the different railways in India and how many of these stations are nearer to Lucknow than Delhi?

Mr. A. A L. Parsons: (*a*) The four State-managed Railways have been brought under the Clearing Accounts system of working and a portion of the traffic of the Bombay, Baroda and Central India Railway is being working experimentally under this system I hope that eventually other Company-managed Railways will come in

(*b*) and (*c*) The compilation of the information will involve a great deal of labour which Government do not think it desirable to impose on the authorities concerned

Maulvi Muhammad Yakub: Is it a fact that more stations dealing with this Clearing Office are nearer to Lucknow than to Delhi, and is it for this reason that the Government do not give the information required?

Mr. A. A. L. Parsons : No, Sir. Mere proximity is not really the consideration. It is a question which is the more convenient centre of the train services on the Railways as a whole. There is no doubt that from that point of view Delhi is a better station for the four State Railways I have mentioned and for the Bombay, Baroda and Central India Railway than Lucknow

Maulvi Muhammad Yakub : For how long did this Clearing Office remain in Lucknow ?

Mr. A A. L Parsons : It was never in Lucknow.

ESTABLISHMENT OF THE RAILWAY CLEARING HOUSE AT LAHORE, ETC.

1110. ***Maulvi Muhammad Yakub** : (*a*) How many men (excluding menial staff) are at present employed in the Lahore Clearing House ?

(*b*) Is it proposed to increase the number of such employees when the Clearing House is transferred to Delhi ? If so, how many ?

(*c*) How many of these employees have been recruited from the North Western Railway and how many from the East Indian Railway ?

(*d*) Will the Government be pleased to state if any extra allowance will be given to the employees on their transfer from Calcutta and Lahore to Delhi ? If so, what will be the total amount of such allowance per month ?

Mr A A. L. Parsons : (*a*) The present sanctioned cadre is 830 men.

(*b*) An increase may become necessary if the Bombay, Baroda and Central India Railway decide to come in permanently into the Clearing House system of working.

(*c*) The information required will be obtained and supplied to the Honourable Member.

(*d*) An allowance of 10 per cent. of pay, subject to a minimum of Rs. 10 per mensem has been sanctioned for employees who hold permanent posts in other offices and who elect the new scales of pay sanctioned for the subordinate establishment of the Clearing Accounts Office This allowance is to be absorbed in future increments falling due to the employees concerned It is not possible to frame a reliable estimate of the total sum of such allowance as it is not known how many employees will elect the new scales of pay ; but in any case, the amount involved will be small

AMOUNT OF ALLOWANCE GRANTED TO THE MINISTERIAL STAFF OF THE LATE OUDH AND ROHILKHAND RAILWAY *TRANSFERRED FROM* LUCKNOW *TO* CALCUTTA.

1111 ***Mr. Rafi Ahmad Kidwai** : (*a*) Was any extra allowance given to the Oudh and Rohilkhand Railway employees on their transfer from Lucknow to Calcutta ?

(*b*) If so, what is the total amount of this extra allowance per month given to the Oudh and Rohilkhand Railway employees ?

(*c*) What is the total number of the Oudh and Rohilkhand Railway employees transferred from Lucknow to Calcutta from time to time since

the amalgamation of the Oudh and Rohilkhand Railway and East Indian Railway ?

(*d*) Have Government taken into consideration the suggestion of locating the Clearing House at Lucknow with a view to saving a large amount of this allowance by retransferring some of the old Oudh and Rohilkhand Railway employees from Calcutta to Lucknow ?

Mr. A. A. L. Parsons : (*a*) An extra allowance of 10 per cent. of pay subject to a minimum of Rs. 4 per mensem was granted to the ministerial staff of the late Oudh and Rohilkhand Railway who were transferred from Lucknow to Calcutta.

(*b*) Figures showing the total amount of this allowance are not available. It would vary from time to time, as men drawing it were transferred from Calcutta.

(*c*) Government have no information.

(*d*) The suggestion was considered, but as I have explained in replies to other questions, it has finally been decided to locate the Clearing House at Delhi.

APPROXIMATE EXPENDITURE REQUIRED FOR THE LOCATION OF THE CLEARING HOUSE AT DELHI AND LUCKNOW, RESPECTIVELY.

1112. ***Mr. Rafi Ahmad Kidwai** : Will the Government lay on the table a comparative statement showing the approximate recurring and non-recurring expenditure which would be needed for the location of the Clearing House at Delhi and Lucknow, respectively ?

Mr A. A. L. Parsons : I am afraid it is impossible to make such a comparison

EMPLOYMENT OF THE STAFF OF THE LATE OUDH AND ROHILKHAND RAILWAY AS CREWMEN.

1113. ***Mr. Rafi Ahmad Kidwai** : Will the Government be pleased to state how many of the Oudh and Rohilkhand Railway employees transferred to Calcutta have been retransferred to the United Provinces and how many of them have been transferred to the newly created crew system ?

Mr. A. A L. Parsons : Government have no information, but it is being obtained and will be supplied to the Honourable Member

OFFICES LOCATED IN THE OLD OUDH AND ROHILKHAND RAILWAY BUILDINGS IN LUCKNOW.

1114. ***Mr. Rafi Ahmad Kidwai** : Will the Government be pleased to state what offices are at present located in the old Oudh and Rohilkhand Railway office buildings in Lucknow and what portion of these buildings remains unused ?

Mr. A. A. L. Parsons : The Headquarters buildings of the late Oudh and Rohilkhand Railway at Lucknow are at present occupied by the Divisional office, the Railway Police office, the Assistant Signal Engineer's office and the offices of the Executive Engineer, Construction, while certain departments of the Provincial Government are housed in

the upper floor of the East Block The press building and the paper godown are at present unoccupied

DEMOLITION OF THE OFFICE BUILDINGS OF THE LATE OUDH AND ROHILKHAND RAILWAY IN LUCKNOW.

1115. *Mr. Rafi Ahmad Kidwai (a) Is it a fact that the whole or part of the Oudh and Rohilkhand Railway office buildings at Lucknow is going to be demolished because the Railway Department does not require them? What is the cost of the portion proposed to be demolished?

(b) If so, cannot these buildings be utilised for accommodating the Clearing House? If not, why?

Mr. A. A. L. Parsons: One bungalow is being, or will shortly be, demolished because it has been condemned as dangerous. It could not be used for housing the Clearing House office The original cost of this bungalow is not known to Government

SALE OF MATERIAL OF THE OLD RAILWAY STATION AT LUCKNOW

1116 *Mr. Rafi Ahmad Kidwai (a) Is it a fact that tenders were invited for the sale of material of the old railway station (East Indian Railway) at Lucknow and that the tenders received being considered too low, it was decided to call for fresh tenders?

(b) If so, were the fresh tenders invited?

(c) If not, how was the material disposed of?

(d) Will the Government be pleased to state for what amount the whole material was sold and what was the difference between the amount so received and the amount offered in highest tender?

(e) Will the Government be pleased to state the name of the purchaser of the old material of this station and whether this purchaser had also submitted tenders for the purchase of this material when the tenders were originally invited?

(f) If so, what was the amount he had offered in his first tender?

Mr A. A L. Parsons: The required information is being obtained and a communication will be sent to the Honourable Member in due course

EXTENSION OF THE LEE CONCESSIONS TO RAILWAY OFFICERS NOT ENTITLED TO THEM

1117. *Mr. Rafi Ahmad Kidwai: (a) Has the Railway Board received any applications from the railway officers not entitled to Lee concessions praying for the extension of these concessions to their class of officers?

(b) If so, will the Government be pleased to state the number of signatories belonging to different railways as well as the reasons advanced in the application for the extension of such concessions to them?

Mr A. A L. Parsons: (a) Yes.

(b) The applications have been received both from individual officers and from various associations. It would, I am afraid, take more time and trouble than the information would be worth, to attempt to calculate the

number of officers affected and to summarise the various reasons advanced in support of their requests.

OFFICERS IN THE SUPERIOR SERVICES IN THE COMMERCIAL AND TRANSPORTATION DEPARTMENTS OF STATE RAILWAYS.

1118. *Mr. Rafi Ahmad Kidwai : (a) What is the total number of Indian officers of the Superior Services in the (i) Commercial and (ii) Transport Departments of the different State Railways ?

(b) What is the proportion of Indian officers to the non-Indian officers of the Superior Services in (i) the Commercial and (ii) Transport Departments of the different State Railways ?

(c) What steps have the Government taken or propose to take to bring the number of the Indian officers to the proportion recommended by the Lee Commission ?

Mr. A. A. L. Parsons : (a) and (b) The information is available in the Railway Board's Classified List, of which a copy is in the Library.

(c) The attention of the Honourable Member is invited to Railway Board's Resolution No. 2058-E, which was published in the Gazette of India, dated 17th July 1927.

CANCELLATION OF THE PASSPORT OF MR. SAKLATWALA FOR INDIA

1119. *Mr. Rafi Ahmad Kidwai : (a) Has the attention of the Government been drawn to a Reuter's telegram published in *Civil and Military Gazette* of Lahore of the 5th September reporting cancellation of Mr Saklatwala's passport to India ?

(b) If so, is it a fact that the passport has been cancelled at the instance of the Government of India ?

(c) If the answer to part (b) be in affirmative, will the Government be pleased to state the reasons for taking this step ?

The Honourable Mr. J. Crerar : I would refer the Honourable Member to the answer I have given to Mr. Gaya Prasad Singh's question No. 1094

†1120*

NUMBER OF BIHARIS ADMITTED INTO THE ARMY AFTER THE GREAT WAR.

1121. *Mr. Siddheswar Sinha : Will the Government be pleased to state the number of Biharis admitted into the Army after the Great War year by year ?

Mr. G M. Young : The Honourable Member's attention is invited to the statement laid on the table in reply to starred question No 25, dated the 27th January 1927 Since that statement was compiled, that is to say, during the period from the 1st October 1926 to the 30th June 1927, one combatant and three non-combatants have been recruited from Bihar and Orissa

† Not put at the meeting, but the question and answer thereto will be found at page 4567 of these proceedings

BIHARIS IN THE ARMY IN INDIA RESERVE OF OFFICERS.

1122 ***Mr. Siddheswar Sinha** : (*a*) Will the Government be pleased to state the number of (*i*) Europeans and Anglo-Indians, (*ii*) Biharis, (*iii*) *Indians other than Biharis, in the Army in India Reserve of Officers* as it is composed at present, category by category ?

(*b*) Will the Government be pleased to state the number of Bihari applicants for these, category by category, and the reasons for the non-acceptance of the application if any ?

(*c*) Will the Government be pleased to state the number of Biharis made permanent in the Army in India Reserve of Officers ?

Mr. G. M Young : (*a*) I will furnish the Honourable Member with a statement giving the required information.

(*b*) 16 applicants from Bihar and Orissa have been rejected ; one because he was ineligible under the rules, another because he was medically unfit and the rest because they were considered unsuitable

Government have no information as to the categories for which these gentlemen applied.

(*c*) Three.

GRANT OF MARRIAGE AND HOUSE ALLOWANCES TO OFFICERS OF THE INDIAN MEDICAL SERVICE.

1123. ***Lieut.-Colonel H. A J Gidney** : (*a*) Will Government please state whether it is a fact that marriage allowance and house allowance are given to officers in the Indian Army as also in the R A M. C. ?

(*b*) Are such allowances given to officers in the I M S. both temporary and permanent ? If not, why not ?

Mr. G. M. Young : (*a*) Yes.

(*b*) No The reason, as far as concerns permanent officers, is that the rates of pay of permanent officers of the Indian Medical Service are consolidated rates, while those of other Indian Army officers and of officers of the Royal Army Medical Corps serving in India are made up of basic pay and allowances on the same system as rates of pay in the United Kingdom

Temporary officers of the Indian Medical Service are engaged under a contract which provides for consolidated rates of pay in their case also.

Lieut.-Colonel H. A J. Gidney : Will the Honourable Member kindly tell me, in so far as the consolidated pay is concerned, how much of that consolidated pay goes towards house and marriage allowances ?

Mr. G M. Young : If my Honourable friend will put that question down on the paper I shall be very glad to answer it.

NUMBER AND TONNAGE OF STEAMERS AND SAILING VESSELS REGISTERED IN INDIA.

1124 ***Mr. Sarabhai Nemchand Haji** : Will Government be pleased to state separately the number of the steamers and sailing vessels, together with their gross registered tonnage, registered at various Indian ports ?

The Honourable Sir George Rainy : The only information available is that contained in Table No 11 (Shipping) of Volume II of the "Annual Statement of the Sea-borne Trade of British India with the British Empire and Foreign Countries", to which I would invite the attention of the Honourable Member.

Mr. Sarabhai Nemchand Haji : In view of the fact that their information is inadequate, will the Government of India kindly see their way to get more information on the subject from the various ports ?

The Honourable Sir George Rainy : I am prepared to consider that, Sir.

CONVENING OF A SUB-CONFERENCE TO CONSIDER QUESTIONS AFFECTING MERCHANT SHIPPING LEGISLATION IN THE EMPIRE.

1125. ***Mr. Sarabhai Nemchand Haji :** (*a*) Will Government be pleased to state the date, when a Sub-Conference, as recommended by the Imperial Conference of 1926, is to be called to consider all questions affecting Merchant Shipping legislation in the Empire ?

(*b*) Are Government aware that it was decided at the Imperial Conference that due representation should be given to Indian shipping interests at that Sub-Conference ?

(*c*) If the answer to (*b*) be in the affirmative, will Government please state if it is their intention to act up to that suggestion in selecting the Indian representatives to the proposed Sub-Conference ?

The Honourable Sir George Rainy : (*a*) So far as the Government are aware, no date has yet been decided on

(*b*) The Inter-Imperial Relations Committee of the Imperial Conference, 1926, recommended that India, in view of the importance of her shipping interests, should be given full representation on the proposed Sub-Conference, on an equal footing with Great Britian and the Dominions

(*c*) The selection of the Indian representations will be considered when the Sub-Conference has been decided on.

Mr. Sarabhai Nemchand Haji : When the selection is made, will the Government be good enough to see to it that India is represented at this Conference by a national Indian and not by a non-Indian ?

The Honourable Sir George Rainy : Government will certainly take into account that question, Sir, and the known wishes of a large number of Members of this House

RESOLUTION REGARDING THE PROHIBITION OF LIQUOR.

1126. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah :** (*a*) Have the Government taken any steps to give effect to the Resolution passed by this Assembly regarding the prohibition of liquor ?

(*b*) If not, will the Government please state reasons for not doing so ?

(*c*) Do the Government intend to give effect to the Resolution forthwith ?

The Honourable Sir Basil Blackett : This question (No. 1126) has already been answered†.

Mr. K. Ahmed : Are the Government aware that it is derogatory to the principles of the Standing Rules and Orders of this Assembly as also to the interests of the Legislative Department to put in the same question twice (*vide* Question No 1062)—this question having been asked half an hour ago and answered Is it not the rule that unless six months have elapsed no question can be repeated in this House ?

The Honourable Sir Basil Blackett : I would suggest that it is also undesirable to put a supplementary question twice (Laughter.)

REPRESENTATION OF MUSLIMS IN THE INDIAN CIVIL SERVICE.

1127. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : (*a*) Is it a fact that the Muslim population is about ¼th of the total population of India, and that only 10 Muslims out of 109 Indian recruits for the I. C. S. from 1922 to 1927 have been selected ?

(*b*) Is it a fact that out of 109 posts for the I C S., 81 have gone to the Hindus, 7 to the Indian Christians, 2 to the Sikhs, 9 to the Burmese and 10 to the Muslims from 1922 to 1927, and if so, is this not a violation of the solemn promise given by the Government that no undue predominance to any community will be given in the services ?

(*c*) Are Government prepared to take steps to give due and proportionate representation to the Muslims by increasing their number in the said service henceforth and to make up the deficiency ?

The Honourable Mr J Crerar : (*a*) Yes.

(*b*) The figures quoted by the Honourable Member are those which I gave him on the 29th August last There has been no violation of any promise The latest pronouncements of Government on this subject is that of the 2nd March, 1925 Speaking in another place my predecessor pointed out that Government had accepted the principle that steps should be taken to secure that the services are not unduly overweighted with the representatives of any one community or province, and in order to give effect to this principle he announced the procedure of reserving, if necessary, one-third of the direct Indian recruitment to the Indian Civil Service for the redress of inequalities This procedure has been strictly adhered to ever since

(*c*) It was made clear by Sir Alexander Muddiman in the statement I have already mentioned that it was not possible for Government to give proportionate representation to any particular minority community.

MISS MAYO'S BOOK "MOTHER INDIA"

1128. ***Mr. M. S. Aney** : (*a*) Has the attention of the Government been drawn to the following special message first published in *The Hindustan*, a Gujrati daily of Bombay and since published in all the prominent Indian newspapers :

" Many of the British M. Ps have been provided with a free copy of Miss Katherine Mayo's book " Mother India." "

† For answer to this question, see answer to question No. 1062 at page 4521 of these proceedings.

(*b*) Will the Government be pleased to state whether free copies of the same book have been supplied to any officials and the Anglo-Indian publicists in India also ?

(*c*) Will the Government be pleased to say whether the Publicity Department of the Government of India has been supplied with a copy of the book or not ?

The Honourable Mr J. Crerar: (*a*) Government have seen the report, and have ascertained from the Secretary of State that no copies of the book have been distributed by the India Office or at public expense.

(*b*) Not so far as Government are aware.

(*c*) No.

Mr. A. Rangaswami Iyengar: May I know if Government are aware that Miss Mayo is connected with the British Library of Literature in New York ?

The Honourable Mr. J. Crerar: Will the Honourable Member kindly repeat the question ?

Mr A Rangaswami Iyengar: May I know if Government can tell us what connection Miss Mayo has with the British Library of Literature in New York ?

The Honourable Mr J. Crerar: I am afraid I have no information on the point If the Honourable Member will put down the question, I shall endeavour to answer it.

The Honourable Sir Basil Blackett: I will answer the question. The answer is that she has none

Mr. B Das: Do I take it that Miss Mayo was not at all helped by any of the Provincial Governments or the Government of India in the matter of collection of materials for her book, or that she was not at all helped by the Secretary of State by the supply of any materials ?

The Honourable Mr. J. Crerar: Miss Mayo received no more assistance from any officials of Government than would be accorded to any other private person.

Lala Lajpat Rai: The question is whether she *was* given any assistance The question I wish to ask is, did the Publicity Department of the Government of India give any assistance to Miss Mayo in connection with the materials for her book ?

The Honourable Mr. J. Crerar: I am not aware that the Government of India gave any assistance of any sort to Miss Mayo, but if she did get any assistance, it was no more than would ordinarily be extended to any other member of the public.

Mr. A. Rangaswami Iyengar: May I ask if the Government of India's Publicity Department supplied Miss Mayo with any photographs that are published in her New York edition ?

The Honourable Mr. J. Crerar: I have no information on the point, but shall inquire

The Honourable Sir Basil Blackett: The answer is in the negative.

Mr. K. Ahmed : In view of the fact that the Honourable Member has admitted that no more than ordinary courtesy was shown to Miss Mayo and no more materials were supplied than would ordinarily be supplied to a member of the public, do Government propose to supply us with the precise extent of the help accorded ?

The Honourable Mr J Crerar : I did not say that any materials were supplied to Miss Mayo If ordinary courtesy was extended to her, I think there would be no reasonable objection on that ground

Mr. A. Rangaswami Iyengar : May I know exactly what assistance was given to her, whether by way of courtesy or by way of departmental accommodation ?

The Honourable Mr. J. Crerar : Miss Mayo spent some months in the country I am afraid I cannot give all the details the Honourable Member requires

Lala Lajpat Rai : Are Government aware that Miss Mayo was a guest of a Superintendent of Police in Lahore and got information from the Head of the Publicity Department of the Government of India ?

The Honourable Mr. J Crerar : No, Sir

Mr. K. C. Neogy : Has the Honourable Member read the book himself, and has the Honourable Member read both the editions, American and English ?

The Honourable Mr. J Crerar : I have only read one edition.

Mr. K. C. Neogy : Is it a fact that there is some difference between the two editions, and that things uncomplimentary to Muhammadans were left out in the English edition ?

The Honourable Mr. J Crerar : So far as I am aware, there is no difference in the letter press

Mr. M. S Aney : Is it a fact that Miss Mayo was furnished by some officials with materials before they were actually published, and that the materials were checked by some officials before they were actually published ?

The Honourable Mr. J. Crerar : No, Sir.

Mr. K. C. Neogy : Has the Publicity Department compared the two editions ?

Mr. President : I am prepared to let Mr Coatman answer the question.

Mr. K C Neogy : We would like to hear Mr. Coatman.

Mr. J. Coatman : I have read both the editions, Sir, but I can not say that I have compared them as one would compare two different texts ; and I am not conscious of any material difference between the two editions.

Mr. K. C. Neogy : Has the Honourable Member been supplied with complimentary copies of both the editions ?

Mr J Coatman : No, Sir.

Lala Lajpat Rai : Is the Honourable Member aware that a statement has been made in the Press that a C I D. Inspector asked an Indian gentleman in Lahore to see Miss Mayo ?

The Honourable Mr. J. Crerar : The statement was made in the Press, but my information is that it is not correct.

Mr. B. Das : Will the Honourable Member verify it ?

The Honourable Mr. J. Crerar : I have already made an inquiry on the subject.

Mr. M R. Jayakar : Having regard to their present experience, will the Government consider the advisability of being more careful in future about extending such courtesies to American tourists ?

The Honourable Mr. J Crerar : I cannot agree that the Government has been in any respect careless in the matter.

Lala Lajpat Rai . Are Government aware that Mahatma Gandhi and Miss Bose of the Victoria Girls School in Lahore have entirely repudiated the statements Miss Mayo put into their mouths in her book ?

Munshi Iswar Saran : Will the Honourable Member kindly state the nature of the courtesy they extended to Miss Mayo ?

The Honourable Mr. J. Crerar : I have already answered that question

Munshi Iswar Saran : As I am at a distance, I could not hear it fully.

The Honourable Mr. J. Crerar : I said Miss Mayo spent some months in India and I am not in a position to give the complete details asked for

Munshi Iswar Saran : I do not want details ; I want to know the broad features of the courtesy.

The Honourable Mr. J. Crerar : I have already answered the question

PERIOD FOR WHICH A POSTMASTER GENERAL RETAINS CHARGE OF A POSTAL CIRCLE.

1129. ***Mr M. S. Aney** : Will the Government be pleased to state what is the average period for which a Postmaster General is retained in charge of any Postal Circle in India ?

Mr. H A. Sams : No definite period is prescribed.

APPEALS FROM THE ORDERS OF MR. BOOTH, POSTMASTER GENERAL, PUNJAB AND NORTH-WEST FRONTIER PROVINCE.

1130 ***Mr. M S. Aney** . Will the Government be pleased to state—

(a) the number of appeals received by the Director General of Posts and Telegraphs from the orders passed by Mr. Booth from the time he assumed charge of his office in the Punjab to the end of June 1927, and

(b) the number of appeals allowed by the Director General or the Government of India ?

The Honourable Sir Bhupendra Nath Mitra The information is being collected and will be furnished to the Honourable Member in due course.

RETENTION OF MR BOOTH AS POSTMASTER GENERAL, PUNJAB AND NORTH-WEST FRONTIER PROVINCE.

1131. ***Mr. M. S. Aney** *Will the Government be pleased to say whether there are any special reasons for keeping Mr. Booth in charge of his office of Postmaster General in the Punjab for an unduly long period ?*

The Honourable Sir Bhupendra Nath Mitra . There are no special reasons. The posting of officers to particular appointments is a matter entirely within the discretion of Government.

Mr M. S. Aney : Is the Honourable Member able to say how long Mr. Booth has been in the Punjab ?

The Honourable Sir Bhupendra Nath Mitra : Will the Honourable Member kindly repeat his question ?

Mr M S. Aney . Will the Honourable Member be able to state how long Mr. Booth has been in the Punjab ?

The Honourable Sir Bhupendra Nath Mitra : Mr. Booth has probably been in the Punjab for five years or more, I cannot say precisely.

Mr. M. S Aney : Is that the ordinary period for which Postmasters General are retained in a province ?

The Honourable Sir Bhupendra Nath Mitra : There is no fixed tenure to the appointment of Postmaster General in a particular circle

Mr M S Aney · Can it be said that at least five years or something more than that is the ordinary period for which these persons occupy this post ?

The Honourable Sir Bhupendra Nath Mitra : I cannot give any definite answer to that question because I have not tried to examine the periods spent by Postmasters General in particular circles in the past.

NUMBER AND NATIONALITY OF PILOTS IN THE BENGAL PILOT SERVICE.

1132 ***Mr Sarabhai Nemchand Haji** : Will the Government be pleased to state the number of candidates admitted into the Bengal Pilot Service year by year from the year 1910 up to March 1927, giving separately the figures of those who were recruited in India and those who were recruited in England as well as of those who were Indians and those who were non-Indians ?

NUMBER AND NATIONALITY OF PILOTS IN THE BENGAL PILOT SERVICE.

1133. ***Mr Sarabhai Nemchand Haji** . Will the Government be pleased to state the present number of pilots in the Bengal Pilot Service giving separate figures of those who are Indians and those who are non-Indians and those who are recruited in India and those who are recruited in England ?

The Honourable Sir George Rainy : With your permission, Sir, I will reply to questions Nos. 1132 and 1133 together.

The information asked for is being obtained from the Government of Bengal and will be supplied to the Honourable Member on receipt.

ANNUAL ADMINISTRATION REPORTS OF THE ORDNANCE AND CLOTHING FACTORIES.

1134. *Mr N M. Joshi : (a) Is it a fact that the annual administration reports of the Ordnance and Clothing Factories, under the control of the Army Department are considered to be confidential documents by the Government of India ?

(b) Will Government be pleased to explain why these reports are treated as confidential ?

(c) Will they be pleased to state whether they will treat these documents as public hereafter ?

(d) If these documents contain any information which must be treated as confidential, are Government prepared to issue annual reports of the administration of these factories omitting such information as must be treated as confidential ?

Mr G M Young : (a) Yes.

(b) Because they contain information about military equipment and preparations

(c) I am afraid that would be impossible

(d) The administration reports of these military establishments necessarily consist of information from which readiness for war can be gauged.

Mr. N. M Joshi : May I ask whether these reports are printed or not ?

Mr. G. M Young : They are, Sir

Mr N. M. Joshi : May I ask whether it is very difficult for any people to secure these reports ?

Mr G M Young : I hope so, Sir.

INDIAN ORDNANCE FACTORIES LISTS OF ESTABLISHMENTS

1135. *Mr. N M. Joshi : (a) Is it a fact that the Indian Ordnance Factories lists containing the names of the persons engaged in these factories are treated as confidential documents by Governments ?

(b) Will Government be pleased to explain why they are treated as confidential ?

(c) Will Government be pleased to state whether they propose to treat these documents as public ?

Mr. G. M. Young : (a) The answer is in the negative

(b) and (c) Therefore do not arise.

Mr. N. M Joshi : I hope, Sir, the Honourable Member will supply me with a copy When the Honourable Member wrote to me a few days ago he said that the report was confidential.

Mr. G M. Young : No, Sir, when I wrote to the Honourable Member I drew a distinction between the documents referred to in this question

(d) No. The attention of the Honourable Member is invited to the reply given on the 18th February 1924 to questions Nos 351 and 353, and on the 2nd September 1925, to question No. 510.

CREATION OF POSTS OF PERSONAL ASSISTANTS TO THE CHIEF OFFICERS OF ORDNANCE FACTORIES.

1141. ***Mr N. M. Joshi**: (a) Will Government be pleased to state if the Kenyon Committee recommended the creation of a post of Personal Assistant to the Chief Officer of each of the Ordnance Factories ?

(b) Has this recommendation been given effect to ?

(c) If not, will Government be pleased to state when they mean to do so ?

(d) If the reply to (b) is in the affirmative, will they be pleased to state how many of these posts are held by men who have risen from the clerical position ? Was not this recommended by the Kenyon Committee ?

Mr G M. Young: (a) Yes.

(b) No.

(c) Not until the army is so increased as to justify the appointment

(d) Does not arise. But I may mention that the Kenyon Committee specifically recommended the appointment of men with qualifications not to be found in the clerical establishments.

APPOINTMENT OF CHIEF CLERKS IN ORDNANCE FACTORIES.

1142 ***Mr N M Joshi**: (a) Will Government be pleased to state if the Kenyon Committee recommended the appointment of a Chief Clerk in each of the Ordnance Factories ?

(b) Are Government aware that the recommendation of the appointment of a Chief Clerk was meant for centralising the administrative work in the Ordnance Factories ?

(c) If so, will they be pleased to state whether the recommendation has been acted upon ? If not, why not ?

Mr G M. Young: (a) Yes.

(b) No. The Committee stated that they were unable to make any detailed recommendations, but they desired to attract a higher class of men who would work initially as Production Staff

(c) The Honourable Member is referred to the answers given to parts (c) and (d) to question No. 1139.

REVISED SCALE OF PAY FOR SOME CLASSES OF THE SUBORDINATE ESTABLISHMENT IN ORDNANCE FACTORIES.

1143. ***Mr N. M. Joshi**: (a) Will Government be pleased to state if sanction was received for a revised scale of pay in 1920 for some classes of the subordinate establishment in Ordnance Factories ?

(b) If so, will they be pleased to state if the revised scale is found satisfactory ?

(c) If the reply to (b) is in the affirmative, will Government be pleased to state whether the increase granted to clerks is commensurate with the increase in the pay of other ranks ?

(d) Will they be pleased to state if they propose to revise the scale in the near future ?

Mr. G M. Young : (a) and (b). Yes.

(c) There is no uniform standard of comparison. I understand that the average increase in clerical establishment was approximately the same as the average increase all round.

(d) The Honourable Member is referred to my answer to part (d) of question No. 1140.

PENSION AND PROVIDENT FUND FOR SECTION CLERKS IN ORDNANCE FACTORIES.

1144. ***Mr. N. M. Joshi** : (a) Will Government be pleased to state if the section clerks in the Ordnance Factories are entitled to pension and provident fund ?

(b) Are Government aware that they are classed as permanent ?

(c) If the reply to (a) is in the negative, will they be pleased to state, why they are not entitled to pension and provident fund as in other services ?

Mr. G. M. Young : (a) No. But if promoted to higher grade, they count their service as permanent section clerks for pension

(b) No. A minimum nucleus sufficient to keep the Factories in existence if there is no work are classed as permanent The remainder are on the extra temporary establishment and are taken on as required by the state of work.

(c) Clerks of various other departments in similar positions are not so entitled, but Ordnance Factory clerks get the special concession referred to in the answer to part (a) of this question.

PROVISION OF QUARTERS FOR CLERKS OF ORDNANCE AND CLOTHING FACTORIES.

1145. ***Mr N. M. Joshi** : (a) Will Government be pleased to state if most of the permanent establishment of the Ordnance and Clothing Factories is provided with quarters by Government ?

(b) If so, are Government aware that the clerks are not provided with quarters by Government ?

(c) If so will Government be pleased to state why such distinction is made ?

(d) Will Government be pleased to state if they are thinking of providing quarters or paying separate allowances, in view of the fact that the Ordnance and Clothing factories are generally situated at a long distance from cities ?

Mr G. M. Young (a) There is a shortage of quarters for all staff, and quarters are being built as funds permit.

(b) Some clerks are provided with quarters

(c) Does not arise.

(*d*) Quarters are being built as practicable. Government takes into account the travelling facilities existent within a reasonable distance of the factories.

WORKING HOURS OF CLERKS IN ORDNANCE FACTORIES.

1146. *Mr N. M Joshi : (*a*) Will Government be pleased to state what is the number of working hours for clerks in Ordnance factories ?

(*b*) Have they at any time ruled that the maximum number of hours should be six ?

(*c*) If so, will they be pleased to state whether it is not a fact that a certain number of clerks have to work from 7-30 a.m to 4-15 p.m. ? If so, why ?

(*d*) Do Government propose to inquire into the matter ?

Mr. G. M. Young : (*a*) The ordinary production working hours of the factory.

(*b*) The answer is in the negative, because a factory is not a secretariat office.

(*c*) Yes *These are the ordinary factory working hours.*

(*d*) Does not arise.

GRANT OF OVERTIME TO ALL THE CLERICAL ESTABLISHMENT IN ORDNANCE FACTORIES.

1147. *Mr N. M Joshi : (*a*) Will Government be pleased to state if overtime work is paid extra in Ordnance Factories ?

(*b*) If so, will they be pleased to state why it is allowed only to clerks in a particular branch ?

(*c*) Will they be pleased to state if they are prepared to extend it to all the clerical establishment in the Ordnance Factories ?

Mr. G. M Young : (*a*), (*b*) and (*c*). Overtime work is paid for as laid down in the Indian Factories Act, with certain extra concessions. It is restricted to men actually employed on systematic overtime, ordered on account of a rush of production and Government do not propose to extend it beyond this restriction. The limit above which overtime pay is admissible in Ordnance Factories is only 44¾ hours a week.

COUNTING OF TEMPORARY SERVICE TOWARDS PENSION BY TEMPORARY EMPLOYEES OF THE PUBLIC WORKS DEPARTMENT WHO ARE SUBSEQUENTLY MADE PERMANENT

1148 *Mr N. M. Joshi : (*a*) Will Government be pleased to state whether in the P. W Department a large number of people are employed only in a temporary capacity, sometimes for as long a period as 20 years continuously ?

(*b*) Is it a fact that when the temporary men are made permanent, the period of temporary service is not counted either for pension or for provident fund ?

(*c*) Are Government aware that this practice causes a great loss to the employees of the Department ?

(*d*) Are Government aware that the practice gives rise to much discontent among the employed ?

(*e*) Are Government prepared to consider the question of modifying the practice by giving some benefit of long temporary service to the employees of the Department at the time of retirement ?

The Honourable Sir Bhupendra Nath Mitra : So far as the temporary staff employed under Provincial Governments is concerned the subject matter of the questions is not primarily the concern of the Governor-General in Council. As regards the temporary staff paid from the central revenues the replies are as follows :

(*a*) The temporary staff employed is by no means large.

(*b*) Yes, but exceptions are made in deserving cases.

(*c*), (*d*) and (*e*). The replies are in the negative.

REPORT OF COLONEL NEEDHAM, I.M.S., ON THE REORGANISATION OF MEDICAL ARRANGEMENTS ON THE NORTH-WESTERN RAILWAY.

1149. ***Lieutenant-Colonel H. A. J. Gidney** : (*a*) Will the Honourable Member please state whether the Report submitted to the Government of India on the Railway Medical Service by Colonel Needham, I. M. S., has been approved and whether it has been submitted for the approval of the Secretary of State for India ?

(*b*) If the answer to (*a*) is in the affirmative, will Government please state :

(*a*) when the service will commence to function, and

(*b*) if the Government intend to place the Report before the Legislative Assembly for its opinion before it commences to operate ?

Mr. A. A. L. Parsons : Colonel Needham submitted a report not on the Railway Medical Service but on the reorganisation of medical arrangements on the North-Western Railway. His recommendations have been accepted in the main and proposals to give effect to them will be placed before the Standing Finance Committee for Railways. Colonel Needham also gave certain advice in regard to the Railway Medical Service generally, but no decisions have yet been arrived at on this advice.

UNDESIRABLE ADVERTISEMENTS IN THE BENGAL NAGPUR RAILWAY TIME TABLE.

1150. ***Pandit Nilakantha Das** : Referring to Bengal Nagpur Railway Time Table No. 110 from 1st April 1927 onwards and numbers before and after :

(*a*) Has the attention of the Railway Board been attracted to the undesirable advertisements specially on the first and fourth cover pages of the Time Table ?

(*b*) Have they noticed the advertisement of the Tipsy John Haig with a whisky glass and the almost naked girl with Imperial

Special Cigarette in hand attracting the attention of the passengers and the public by their gay colours and appearance ?

(c) Are they prepared to take steps to put a stop to such advertisements ?

Mr. A. A. L. Parsons . (a) and (b). They have seen the advertisements

(c) They do not consider any action necessary.

Pandit Nilakantha Das : I hope they have got a copy of the advertisement and they will show it for the inspection of the House.

Mr. A A. L. Parsons : If Members of the House like to see the advertisement, they can for 2 or 4 annas purchase a copy of the time table

Pandit Nilakantha Das : I have got a copy. Is this not the book (showing the advertisement) ? This is John Haig clad in bright colours with a bottle of whisky and this is the gay girl with Imperial Special cigarettes in her hand. Will they like .

Mr K. C. Neogy : Did the Publicity Department draw the attention of Miss Mayo to this advertisement ?

Pandit Nilakantha Das . May I know if this is the indication of the way in which our railway companies are making money ?

Mr. A. A. L. Parsons . I doubt myself if this advertisement has added to the sales of the time table.

Mr. B Das : Will the Honourable Member consult the puritanic element of this House in future advertisements on railway time tables ?

EXPENDITURE INCURRED BY THE SELF-GOVERNING DOMINIONS ON NAVAL ESTABLISHMENT.

1151. ***Mr. M. R. Jayakar** : (a) Will Government be pleased to state the expenditure incurred by each of the self-governing Dominions under the Empire such as Canada, Australia and the Union of South Africa on naval establishment ?

(b) Will Government be pleased to state the strength of the Navy of each Dominion and whether it is officered by the colonials or by British naval officers ?

(c) What facilities for naval education are provided by the Colonies to their subjects ? What expenditure is incurred by each ? How many naval cadets are trained each year, at what cost and in what institutions ?

(d) What control is exercised over this Colonial Navy by the Army Council of Great Britain or by the British Government ?

Mr G M. Young . The Government of India have no official information on these subjects, but I will endeavour to find out what works of reference are likely to contain such information, and communicate the result to my Honourable friend

ADMISSION OF INDIANS FOR TRAINING IN ROYAL NAVAL ESTABLISHMENTS AND COLONIAL TRAINING ESTABLISHMENTS.

1152. ***Mr. M. R. Jayakar** : Are Indians freely admitted to naval and colonial centres such as Bristol, Plymouth, Devonport, étc., in England ?

Mr. G. M. Young : At present Indians are not admitted for training in Royal Naval Establishments. The Government of India have no information in regard to Colonial Training Establishments. On the inauguration of the Royal Indian Navy, Indians, who pass the necessary entrance examination, will be trained for that service for a period of about three years in Naval Training Establishments in England

NUMBER OF INDIAN AND EUROPEAN OFFICERS IN THE ROYAL INDIAN MARINE.

1153. *Mr. M R. Jayakar : (a) Will Government be pleased to state how many Indian officers and how many European officers are employed under the Marine Department, in all ranks such as general supervision dock-yard marine, marine stores and coal ?

(b) What is the approximate expenditure incurred for the last 5 years on the Marine Service ?

Mr. G M. Young (a) The total number of commissioned and gazetted officers serving in the Royal Indian Marine is at present 121 including 30 in civil employment , all these are Europeans

(b) The net expenditure on the Royal Indian Marine incurred during each of the last five years is about 107 lakhs, 72 lakhs, 63 lakhs, 52½ lakhs and 49 lakhs, respectively.

Mr. A. Rangaswami Iyengar Have the Government ever considered the question of seeing that some Indians are included among these officers ?

Mr. G. M. Young : Yes, Sir.

Mr. A Rangaswami Iyengar · What is the result, Sir ?

Mr. G. M. Young · The result is the scheme of the Royal Indian Navy, by which 33-1|3 per cent. of the vacancies will be reserved for Indians

Mr. Sarabhai Nemchand Haji . In view of the fact that all the officers of the Royal Indian Marine to-day are Europeans, will the Government consider the advisability of taking in future as apprentices only Indian cadets at 3 per year, so that in a short time we might have a decent amount of Indianisation ?

Mr G M Young Sir, I am afraid I do not understand the question There is no such thing as apprentices in the Navy

Mr. Sarabhai Nemchand Haji May I repeat the question ? In view of the fact that all the officers of the Royal Indian Marine to-day are Europeans and further in view of the fact that it is the intention of the Government to transform the Royal Indian Marine into the Royal Indian Navy, will the Government consider the advisability of recruiting only Indians as cadets in future or providing training for them, so that we might have Indianisation at a rapid pace, simultaneously maintaining the British character because the European officers have no Indian colleagues to-day ?

Mr. G. M. Young Sir, I really think that that question is long enough for me to ask to see it on paper

Mr. M R. Jayakar . Are there any political reasons for keeping this branch of the public service entirely in the hands of Europeans ?

Mr. G. M. Young: The Department is not being kept entirely in the hands of Europeans. There was never any actual bar to the appointment of Indians, but so far as I know none have ever applied.

Mr. M. R. Jayakar: Is there any particular reason for not having Indians in this Department ?

Mr. G. M. Young: I have explained that there is no such reason. A third of the vacancies are being reserved for Indians in future.

Mr. A. Rangaswami Iyengar: Have Government found out why Indians never apply ?

Pandit Hirday Nath Kunzru: Will the Honourable Member be good enough to tell us what the qualifications are ?

Mr. G. M. Young: I could not state all the qualifications in the compass of an answer to a supplementary question, but if my Honourable friend will give me notice, I can supply him with the information.

Mr. Gaya Prasad Singh: May I ask what facilities have been offered to Indians for entering into this branch of the public service ?

Mr. G. M. Young: Does my Honourable friend refer to the new Navy or the Royal Indian Marine ?

Mr. Gaya Prasad Singh: The Royal Indian Marine.

Mr. M. R. Jayakar: Do Government ever advertise for any of these places ?

Mr. G. M. Young: No, Sir. I do not think Government have ever advertised for Indians for the Royal Indian Marine.

Lala Lajpat Rai: Have the Government shown any desire to find out why Indians have not applied for the Royal Indian Marine ?

Mr. G. M. Young: I do not know, Sir.

Sir Hari Singh Gour: Will the Government be pleased to take steps to see that some Indians get appointed to the Royal Indian Marine ?

Mr. G. M. Young: As I have already explained several times Government have taken steps in this direction.

Mr. M. R. Jayakar: My Honourable friend just now spoke of qualifications. Is the presence of a large amount of pigment in the skin a disqualification ?

CESSATION OF THE ANNUAL CONTRIBUTION TO THE BRITISH GOVERNMENT ON THE STARTING OF THE INDIAN NAVY.

1154. ***Mr. M. R. Jayakar**: Will Government state if in the event of an Indian Navy being started the annual contribution of 10 lakhs to the British Government will cease to be paid ?

Mr. G. M. Young: The answer is in the negative. The Government of India agree with the opinion expressed by the Departmental Committee on the Re-organization of the Royal Indian Marine, that it would be premature to discuss this question until, at the earliest, the new Indian Navy is in a position to perform an appreciable portion of those services which are rendered to India by His Majesty's Navy, and in respect of which the contribution is paid.

ENQUIRY INTO THE LOCOMOTIVE INDUSTRY.

1155. *Mr. B. Das : (a) Referring to the answer given by Sir Charles Innes to question No. 406, dated 18th September 1924, will Government be pleased to state whether any official was deputed to the United Kingdom ?

(b) Has he submitted a report to Government ?

(c) Did Government place this report before the Standing Finance Committee ? If not, why not ?

(d) Was this report asked for by the Peninsular Locomotive Co., Ltd. ?

(e) Was this report asked for by the Tariff Board ?

(f) Will Government be pleased to place that report on the table ?

Mr. A. A. L Parsons . (a) An officer on leave was deputed to prepare a report for the consideration of the Railway Board

(b) Yes

(c) No concrete proposals, which could be placed before the Standing Finance Committee, were found in the report

(d) Yes.

(e) Yes.

(f) No. It is a purely departmental document and I may add that the Railway Board did not accept the conclusions arrived at in it as accurate.

CONSTRUCTION OF RAILWAY WAGONS AND UNDERFRAMES

1156. *Mr. B. Das Will Government be pleased to state what orders have been placed with each of the following firms for construction and delivery during 1927-28 indicating the value as well as quantity :

Messrs. Jessop and Company, Limited ;
Messrs. Burn and Company, Limited ; and
Messrs. The Indian Standard Wagon Company, Limited ?

Mr. A. A. L Parsons : It is presumed that the Honourable Member is referring to construction of railway wagons and underframes, the figures for which are as follows :

	No.	Approximate amount of contracts
Jessop and Coy.	393	30 lakhs.
Burn and Coy.	510	39¼ lakhs.
Indian Standard Wagon Company	1,268	34 lakhs.

Mr. M. S. Aney : Will the Honourable Member kindly say what was the date fixed in the agreement for the delivery of these wagons by each of these companies ?

Mr. A. A. L. Parsons : The Honourable Member, I am afraid, put down the question. There are about 20 or 30 contracts for the struction of these wagons, etc , and he will hardly expect me to ber all the dates.

Mr. M. S. Aney . Will the Honourable Member supply this information some time later ?

Mr. A. A. L. Parsons . I must ask the Honourable Member to put down a question

MANUFACTURE OF LOCOMOTIVES IN THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY WORKSHOP AT AJMER.

1157. ***Mr. B. Das** : (*a*) Will Government be pleased to state the cost of each of the seventeen locomotives for the metre gauge, which were shown as having been built at Ajmer in the Bombay, Baroda and Central India Railway workshop, in the statement given in answer to starred question No 669 ?

(*b*) For how many years has Ajmer been manufacturing locomotives ?

(*c*) Is the work of manufacturing locomotives proceeding at Ajmer still ?

(*d*) If so, what was the objection to locomotive manufacture being started in India ?

Mr. A. A. L. Parsons The information is being obtained and will be furnished to the Honourable Member on receipt.

PURCHASE OF LOCOMOTIVES IN THE YEARS 1920-21 TO 1927-28.

1158. ***Mr B. Das** Will Government be pleased to give a statement corresponding to the statement given in reply to starred question No. 669 for locomotives obtained during the years 1920-21, 1921-22, 1922 23, 1923-24, 1924-25, 1926-27 and 1927-28, and state how many locomotives are on order for the current year on renewals account ?

Mr. A. A. L. Parsons : The information is being obtained and will be furnished to the Honourable Member on receipt.

TIMELY WARNINGS GIVEN BY THE METEOROLOGICAL DEPARTMENT REGARDING THE HEAVY RAINFALL IN GUJARAT AND ORISSA IN JULY LAST.

1159. ***Mr. B. Das** : Will Government be pleased to state if the Meteorological Department did foreshadow the heavy rainfall in Gujarat and Orissa and if timely warnings were given in each case before the occurrence of floods in July last ?

The Honourable Sir Bhupendra Nath Mitra . Timely warnings were given by the Meteorological Department in both cases and these warnings were much appreciated by the local officials.

Mr B. Das May I inquire, Sir, if these warnings were given only to Government officials or were they also supplied to the public ?

The Honourable Sir Bhupendra Nath Mitra . They were furnished by the Meteorological Department to Government officials. It was the duty of the latter to publish them if they considered that such publication was of any use.

Mr. K. C. Neogy : Have the Government information as to whether in these cases the warnings were communicated to the people at large by the officials concerned ?

The Honourable Sir Bhupendra Nath Mitra : I have no information on that point.

Mr. K. C. Neogy : Does the Honourable Member's department consider itself concerned about this matter—as to whether the warnings reach the people at large at all ? Or is it only a matter for the local officials to decide ?

The Honourable Sir Bhupendra Nath Mitra So far as the Meteorological Department is concerned, the communications have to be addressed to the local officials. It is the function of the latter to publish the information, if they consider that such publication is likely to be of any use.

Mr. B. Das · Is it not a fact that in England the Meteorological Department not only gives such warnings to the people and the Government but that their officials also visit the countryside where floods and heavy rains occur ?

The Honourable Sir Bhupendra Nath Mitra I have no information on that point

Mr. K. Ahmed : In view of the fact that the Honourable Member's Department (the Meteorological Department) has failed to serve the purpose for which it is maintained and therefore it is a burden on the public revenue, does the Honourable Member propose to exercise his ability much more than he is doing so that the very object for which this Department is maintained may not be frustrated ?

DELAY IN THE RECEIPT BY MEMBERS OF THE CENTRAL LEGISLATURE OF THE SKEEN COMMITTEE'S REPORT FROM THE CENTRAL PUBLICATION BRANCH IN CALCUTTA.

1160. ***Mr. H G. Cocke** : (*a*) Are Government aware that Members of the Central Legislature are unable to obtain copies of the Skeen Report from the Central Publication Branch of the Government of India in Calcutta except after considerable delay ?

(*b*) Who is in charge of the Publication Branch ? What are his qualifications ? How many assistants has he ?

(*c*) Is the Honourable Member-in-charge prepared to consider the desirability of making enquiries into the management or mismanagement of this office ?

(*d*) Are Government once more prepared to consider the desirability of opening a branch of the Central Publication Branch at Delhi and Simla during the Sessions of the Legislature ?

The Honourable Sir Bhupendra Nath Mitra . (*a*) No Government are informed that only two indents were received directly from individual Members of the Central Legislature and that these were complied with on the dates of receipt. If the Honourable Member will give any specific instance of delay, the matter will be investigated.

(*b*) Mr. J. H. Golder the permanent incumbent of the post is on leave and Mr. B. U N. Mazumdar, Assistant Manager, who has had experience of the work of the Branch from its inception, is at present in charge. As regards Mr. Golder's qualifications the attention of the

Honourable Member is invited to the reply given by me on 15th February 1927 to question No. 415 by Diwan Chaman Lall. The ministerial staff of the Central Publication Branch consists of one Assistant Manager, eight assistants and fifty-five clerks

(c) This has already been done Government increased substantially the strength of the Branch in October last and other steps have been taken to improve its efficiency

(d) The question is under the consideration of Government.

Mr M. Ruthnaswamy : Is it a fact that quite a number of Honourable Members of the Legislative Assembly are not put on the free list of the Central Publication Branch because I received a reply from the Director of the Central Publication Branch that my name was not on the free list of the Branch ?

The Honourable Sir Bhupendra Nath Mitra . I have no information on that point If the Honourable Member will kindly put down the question on paper, the Secretary of the Legislative Department will answer it.

Mr A Rangaswami Iyengar : Is the Honourable Member aware that the state of the accounts books in the Central Publication Branch is *chaotic* ?

The Honourable Sir Bhupendra Nath Mitra I have no information on that point

Mr. A. Rangaswami Iyengar Will the Honourable Member make inquiries ? I think the auditor of the accounts has drawn the attention of the Honourable Member to it

Mr H G. Cocke Is the Honourable Member aware that orders that were placed with the said Book Depôt of Calcutta through Messrs. Thacker, Spink and Co , were not executed at all in one case and in another case they took three to four weeks to be executed ?

The Honourable Sir Bhupendra Nath Mitra : I am not aware of that, Sir. As I have already stated, if the Honourable Member will kindly bring to the notice of my department these specific cases instead of making general statements, I shall be quite glad to help him in securing a settlement of these matters

APPLICATION FROM MAULVI MUHAMMAD SHAFEE, M.L.A., TO KEEP A RETAINER FOR HIS GUN.

1161. ***Mr. Gaya Prasad Singh** · (a) Is it a fact that Maulvi Muhammed Shafee, M L A , applied to the District Magistrate, Muzaffarpur, for being allowed to keep a retainer for his gun in January last and that the said District Magistrate referred the matter to the Local Government concerned ?

(b) Will the Government be pleased to state the decision arrived at by the Local Government of Bihar and Orissa and the reasons for the same ?

(c) Is it a fact that in the Patna District some College Professors and others of the same status have been allowed to keep retainers for their guns without the least objection on the part of the Bihar and Orissa Government ?

(*d*) Do Government propose to consider the question of issuing a notification which may make explicit provision that the Members of the Indian Legislature are entitled to keep retainers for their arms ?

The Honourable Mr. J. Crerar : (*a*), (*b*) and (*c*). The Government of India have no information on the subject.

(*d*) Government do not propose to extend the exemption to cover retainers, but they will consider whether the present rules cause any avoidable inconvenience.

Mr. Gaya Prasad Singh : Are Government aware that the District Magistrate, Muzaffarpur, subsequently informed Maulvi Muhammad Shafee that he was not entitled to have any retainer's licence ?

The Honourable Mr. J. Crerar : I am not in possession of that information, but, as I said in reply to the Honourable Member himself, Government propose to make inquiries in the matter.

QUESTIONS NOT PUT AT THE MEETING, WITH ANSWERS TO THE SAME.

TRANSFERS AND PROMOTIONS OF ASSISTANTS AND CLERKS BETWEEN THE ATTACHED OFFICES AND THE GOVERNMENT OF INDIA SECRETARIAT.

1077. ***Sir Hari Singh Gour** : (*a*) Is it a fact that assistants and clerks holding permanent appointments in the Attached Offices are employed on the selection of the Public Service Commission and that their qualifications are the same as those employed in the Imperial Secretariat ?

(*b*) If so, are there inter-transfers and promotion of employees between the two classes of offices ?

(*c*) If not, why not ?

The Honourable Mr. J. Crerar : (*a*) The assistants and clerks in question are recruited on the results of an examination held by the Public Service Commission. The qualifications required are, and since 1922 have been, the same as those of assistants and clerks employed in the Imperial Secretariat.

(*b*) Transfers and promotions between the Attached Offices and the Secretariat are permitted.

(*c*) Does not arise.

SCALES OF PAY IN THE ATTACHED OFFICES.

1078. ***Sir Hari Singh Gour** : Is it a fact that the scale of pay in the Attached Offices is lower than that of the Imperial Secretariat, though the employees are required to possess identical qualifications and are selected by the same authority, *viz.*, the Public Service Commission ?

The Honourable Mr. J. Crerar : Yes.

PROMOTION OF QUALIFIED ASSISTANTS AND CLERKS IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES WHO HAVE NOT PASSED THE REQUISITE EXAMINATION.

1079. ***Sir Hari Singh Gour** : (*a*) Is it a fact that before the institution of examinations for recruitment to the Secretariat or Attached

Offices a number of assistants and clerks were employed and their names are borne on the permanent lists, but in regard to promotion their claims are overlooked on the ground that they have not passed the requisite examination ?

(b) Is it a fact that some of these permanent employees are not now eligible for passing the examination on account of age or University qualifications ?

(c) Is it a fact that departmental rules absolutely prohibit the promotion of such clerks from the lower to the upper division, even though they may be otherwise efficient and fully experienced and capable of discharging the duties of assistants ?

(d) Do the Government propose to see that these old servants are not prejudiced by the mere failure to pass the examination if their qualifications otherwise are considered sufficient for promotion ?

(e) Is it a fact that the Public Service Commission do not treat such unpassed permanent hands on the same footing as passed ones for purposes of promotion and that the Heads of Departments under the present rules treat them likewise, the result being that they are being superseded by new entrants ?

The Honourable Mr. J. Crerar : (a) The reply to the first part is in the affirmative. All persons employed in departments at the time of the institution of examinations by the late Staff Selection Board were given an opportunity of qualifying themselves by examination, and promotion to a higher division ordinarily depended on success at the examination In certain cases for very special reasons exemption from appearance at the examination has been granted

(b) The facts are probably as stated.

(c) It is a general rule that clerks are not promoted from the lower to the upper division without passing the qualifying examination. As I have stated in answer to (a) above in certain cases for very special reasons exemption from appearance at the examination has been granted

(d) I am not at present in a position to make any statement in the matter, but the point will be considered.

(e) Yes

DISCHARGE OF LABOURERS FROM THE WORKSHOP OF THE SOUTH INDIAN RAILWAY AT TRICHINOPOLY.

1083. ***Mr. M. S. Sesha Iyengar :** (a) Will the Government be pleased to state if it is a fact that nearly 400 labourers were sent out from the Engineering Workshop of the South Indian Railway at Trichinopoly on the 16th and 17th August this year ?

(b) If so, what are the reasons ?

Mr. A. A. L. Parsons : (a) and (b). 293 temporary hands who applied for work on the dates were turned away as there was no work for them.

EXEMPTION OF POSTAL EMPLOYEES WITH 20 YEARS' SERVICE FROM THE EXAMINATION FOR PROMOTION TO SELECTION GRADE APPOINTMENTS.

1084. *Mr. M. S. Sesha Iyengar : Will the Government be pleased to state if they propose to exempt officials, with 20 years' service and over from the examination, newly devised for promotion to selection grade appointments, under Director-General's (of Posts and Telegraphs) G. O. No. 5, dated 19th July 1927 ?

The Honourable Sir Bhupendra Nath Mitra : No, Sir.

EXCLUSION OF EUROPEANS FROM THE NON-MUHAMMADAN ELECTORATES FOR THE COUNCIL OF STATE IN BENGAL.

1091. *Colonel J. D. Crawford : (a) Are Government aware that Europeans in Bengal having the necessary qualifications are excluded from non-Muhammadan electorates for the Council of State whereas they are included in all other provinces ?

(b) Will Government please state the reasons, if any, for this differentiation ?

(c) Will Government consider the desirability of amending the electoral rules to remove this racial discrimination ?

The Honourable Mr. J. Crerar : Government are aware of the facts brought to notice and they will be taken into consideration when the electoral rules are next revised

TERMS OF EMPLOYMENT OF MR MACKAY IN THE ARCHÆOLOGICAL DEPARTMENT.

1092. *Kumar Ganganand Sinha : With reference to the reply given to starred question No. 762, on Thursday, the 1st September, will Government be pleased to state :

(a) Whether Mr. Mackay has been engaged on a short term contract ?

(b) If so, what are the terms of the contract ?

(c) Will Government be pleased to state whether Mr Mackay will take precedence in the seniority list according to his pay ? If so, why ?

(d) If Mr. Mackay is engaged on a permanent footing, will Government be pleased to state how the seniority rights of those engaged before him will be safeguarded ?

Mr. A. R. Dalal : (a) Mr Mackay has been engaged for a period of two years in the first instance

(b) A copy of the Agreement with him is placed in the library.

(c) No

(d) Does not arise.

DUTY ON STEEL BARS OF $\frac{1}{8}''$ THICKNESS.

1100 *Mr. Jamnadas M. Mehta : (a) Will Government be pleased to state whether steel bars $\frac{1}{8}''$ thick are rolled by the Tata Iron and Steel Company, Limited, at their Jamshedpur works ?

(b) If not, are they liable to the protective duty of Rs. 37 per ton when imported from non-British sources ?

(c) What was the rate of duty on these bars after the Steel Industry Protection Act of 1924 ?

(d) What is the duty on them according to the Act of 1927 ?

(e) If the duty of 1927 is higher than that in 1924 will Government state the reason for the higher duty ?

(f) Have Government received any representation from the iron merchants against the increase ?

(g) If so, have Government referred the matter to the Tariff Board for opinion, and if so, with what result ? If not, are Government prepared to do so now ? If not, why not ?

The Honourable Sir George Rainy : (a) As far as the Government of India are aware steel bars ⅛th inch thick are not rolled by the Tata Iron and Steel Company

(b) Non-British bars of this thickness are liable to the protective duty of Rs 37 per ton provided they are not under one inch wide.

(c) If of common merchant quality or designed for the reinforcing of concrete steel bars of all sizes were liable to duty at Rs. 40 per ton ; if of other qualities at 10 per cent. *ad valorem.*

(d) The current rates of duty on steel bars will be found in Nos. 62 and 152 of the Statutory Tariff Schedule as amended by the Steel Industry (Protection) Act, 1927.

(e) As my replies to parts (b) and (c) show, the protective duty on steel bars of ⅛th inch thickness, where leviable, is less in 1927 than it was in 1924.

(f) The Government of India have received a representation from certain iron merchants on this subject

(g) The Government of India have not referred the matter to the Tariff Board, nor do they propose to do so. I would invite the Honourable Member's attention to paragraph 112 of their last Steel Report, in which they say that one of the principles by which they were guided in making their recommendations was that the scheme of protection should include those forms of iron or steel which, though not manufactured in India, might be used in substitution for protected classes of steel unless the duty was sufficiently high to make the substitution unremunerative.

RECRUITMENT OF CHEAPER CLERICAL STAFF IN THE POSTAL DEPARTMENT.

1101. *Mr. B. P. Naidu : Will the Government please state whether the cheaper clerical staff they intend to employ in Post Office work, would be recruited from efficient postmen only ? If so, do they propose to issue strict and explicit instructions in the matter ?

The Honourable Sir Bhupendra Nath Mitra : The matter is still under consideration and suitable orders on the subject will be issued as soon as a decision is reached.

POSTAL ACCOUNTANT'S EXAMINATION.

1102. *Mr. B. P. Naidu : Is it a fact that the Postal Accountants' examination, though a public one, has not been thrown open during the last two years to all servants of the Department, but only to the nominees of the Divisional Superintendents ? Why ? Are the Government prepared to change this rule ?

The Honourable Sir Bhupendra Nath Mitra : The examination is open to all servants of the department with not less than 3 years' service. Permission to appear is given as a matter of course, unless the Superintendent or first class Postmaster has any objection, in which case a reference to the Head of the Circle is necessary. Government have no information that this procedure is not followed and is not prepared to cancel the rule.

EXAMINATION FOR INSPECTORS OF POST OFFICES.

1103. *Mr. B. P. Naidu : Is it a fact that the Departmental Examination held for the selection of officials for the posts of Inspectors and Postmasters is not thrown open to all officials without any restriction ? Are the Government prepared to remedy this grievance ?

The Honourable Sir Bhupendra Nath Mitra : No examination is held for the selection of postmasters The examination for Inspectors is not open to all officials without restriction Government do not admit that there is a grievance.

EVENING TURN CLASSES IN THE COMMERCE DEPARTMENT.

1120. *Mr. Rafi Ahmad Kidwai : (*a*) Is it a fact that in the Commerce Department of the Government of India an "evening turn class" is maintained and that consequently the assistants and clerks have to wait in office till very late in the evening and cannot leave office till all the officers of the Department have left ?

(*b*) Is it also a fact that in no other Department of the Government of India is such a turn class maintained ? If so, will Government please state why it is not possible to do without a "turn class" in that Department ?

The Honourable Sir George Rainy : (*a*) The Commerce Department Manual of Office Procedure requires that one responsible clerk should remain in charge of each branch until all the officers have left office If, however, any officer sits very late, the men on turn may ask him after 6-30 P.M., if they are likely to be required and may leave office with his permission The practical effect of this rule is that a clerk may be required, at times of pressure, as when the Legislature is sitting, to remain until 6-30 P.M. on not more than one evening in the week.

(*b*) It is understood that other Departments have no regular rule on the subject, but that in practice clerks do remain in office to attend to requisitions from officers who are working late The Honourable Member will doubtless realise that an officer who is detained in office to dispose of urgent work might be in considerable difficulty if the office were altogether closed, and papers to which he wished to refer were inaccessible.

SHORT NOTICE QUESTION AND ANSWER.

RIOTS AT NAGPUR.

Mr. Abdul Qadir Siddiqi : Will the Government be pleased to state :

(*a*) Is it a fact that in the recent Nagpur riots hundreds of Mussalmans had to run away from their houses to save their lives leaving their belongings behind and are lying in places of security ?

(*b*) What is the number of such refugees ?

(*c*) What arrangements if any have been made to supply them with food and clothing ?

(*d*) What action if any have the Government taken to settle the refugees in their houses and safeguard their life and property ?

(*e*) Has the investigation been started and will the Government state who is actually conducting the investigation ?

The Honourable Mr. J. Crerar : (*a*) and (*b*). The total number of houses evacuated by Muhammadans during the recent riots at Nagpur was approximately 640. Some of these persons took refuge in the Gond Raja's fort and in the Muhammadan quarters while some left Nagpur.

(*c*) A shop was opened in the Gond Raja's fort to sell food to refugees In the northern part of the town no such shop was necessary, but the Tahsildar of Nagpur was deputed to enquire in Mominpura and arrange for the supply of food to persons who had difficulty in obtaining it. Very little assistance was found necessary.

(*d*) Refugees are steadily returning of their own accord Military and police pickets were posted and confidence was restored. Police pickets are still posted at places where they are considered necessary.

(*e*) Investigation is being undertaken under the direction of the Deputy Inspector General of Police into cases in which useful results are anticipated

12 NOON

Mr. K. Ahmed : Are Government aware that people were not allowed to go out of their houses and that on account of this difficulty they could not purchase their provisions and they were thus compelled to starve in their houses ?

Nawab Sir Sahibzada Abdul Qaiyum : Will the Government please state if any Muslims were assaulted or injured while under the protection of the police ?

The Honourable Mr. J. Crerar : I am afraid that I cannot add to the information contained in my reply and in the communiqué which has been issued by the Local Government and which contains full details.

Raja Ghazanfar Ali Khan : Is the Government aware that Mr. Natique, who was a Member of the Assembly during the last Session, was confined to his house for 48 hours and that the police could not rescue him till then ?

The Honourable Mr. J. Crerar : I have no information on that point.

Raja Ghazanfar Ali Khan : Will the Government please make enquiries ?

Nawab Sir Sahibzada Abdul Qaiyum : Is there any truth in the statements published that just before the riots, the Government were warned of the impending riots and that there was an idea in the minds of the non-Muslim population in Nagpur that they would not be fired on even if the riots took place ?

The Honourable Mr. J. Crerar : I am not aware that there was any reason to apprehend a disturbance of this character which arose on what appeared to be an entirely insignificant incident.

Nawab Sir Sahibzada Abdul Qaiyum : Were any preparations made by the Hindus and, if so, whether they had come to the knowledge of the Government ? What steps did the Government take when these matters were brought to their notice ?

The Honourable Mr. J. Crerar : Perhaps the Honourable Member did not hear the reply I gave I said that Government had no original reason to apprehend so serious a disturbance which arose out of what was apparently an insignificant incident.

Nawab Sir Sahibzada Abdul Qaiyum : Do I understand, Sir, that the Government were not approached by the Muslims and warned of the impending riots or of the possibility of serious riots breaking out ?

The Honourable Mr. J. Crerar : I must point out that while I was prepared to give all such general information as is in my power, the matter is really one which is primarily the concern of the Local Government. I have no information on the particular point raised by my Honourable friend.

Mr. B Das : Will the Honourable Member say whether he is satisfied that a peaceful atmosphere has been restored ?

The Honourable Mr. J. Crerar : Yes , I am satisfied that the report of the Local Government in that matter is correct

Mr. K. Ahmed : What steps did the Government take with regard to the inability of the Mussalmans to have egress out of or ingress into their houses ? Are the Government aware that on account of this difficulty many of the Mussalmans had to starve in their houses for want of food ? What steps did the Government take in this matter ?

The Honourable Mr. J. Crerar : The answer to the Honourable Member's question will, I think, be found in the original answer I have given

Mr. K. Ahmed : Are the Government aware that detailed accounts of the riots at Nagpur have appeared in the newspapers ? The newspaper cuttings must have been submitted to the Department of the Honourable Member What steps has he taken in the matter ? (Laughter.)

UNSTARRED QUESTIONS AND ANSWERS

CONSTITUENCIES OF THE LEGISLATIVE ASSEMBLY, ETC.

129. **Mr Satyendra Chandra Mitra** : Will the Honourable the Home Member be pleased to lay on the table a statement showing

(i) the names of constituencies of the Legislative Assembly ;

(ii) the number of voters on the Electoral Roll of each constituency ;

(iii) the number of votes polled at the last election in each constituency ;

(iv) the number of candidates at the last election in each constituency ,

(v) the election expenses incurred by the successful candidate ; and

(vi) the average amount spent as election expenses in each constituency at the last election ?

The Honourable Mr. J. Crerar : (i) to (iv). The Honourable Member is referred to the report on the results of the 1926 elections a copy of which is in the Library

(v) In pursuance of rule 19 (b) of the Electoral Rules records are prepared and maintained in the Legislative Department showing the names, constituencies and election expenses of all candidates at every election The records are open to public inspection and any Member may see them at any time during office hours.

(vi) I must leave the Honourable Member with the assistance of these records to work out the average referred to in this part of the question.

VACANT MILITARY BUILDINGS AT SATARA

130 **Mr Fazal Ibrahim Rahimtulla :** (a) Is it a fact that the military buildings at Satara are lying vacant ?

(b) What was the cost to Government in removing the Small Arms School from Satara in the Deccan and accommodating it at Pachmarhi, Central Provinces, in the year 1925-26 and 1926-27 ?

(c) Is it likely in any near future date for the military buildings lying vacant at Satara being utilized for any military purpose ?

Mr. G. M. Young : (a) Yes.

(b) The amount so far spent in providing accommodation at Pachmarhi as a result of the amalgamation of the two schools is about 2½ lakhs I have not the figures of the actual cost of the move from Satara to Pachmarhi, but the measure as a whole results in a saving of about 1 lakh a year

(c) A proposal for utilizing the buildings is under consideration

PAY OF GRADUATES AND UNDER GRADUATES IN THE POST OFFICE.

131 **Mr. Amar Nath Dutt ·** (a) Will the Government be pleased to state if it is a fact that graduates and under graduates recruited in the Post Office after the introduction of the time-scale of pay were entitled to the 5th and the 3rd stages of the scale of pay respectively ?

(b) Are they still entitled to the same benefit after the introduction of the recent revision of pay ? If so, what starting pay is granted to those who entered the service after the 1st March 1927 ?

Mr. H. A. Sams : (*a*) and (*b*). Graduates and undergraduates recruited for clerical service in the Post Office after the introduction of the time-scales of pay are entitled to draw as initial pay that of the 5th and 3rd stages, respectively, of the time-scales in force at the time of their recruitment. This rule is still in force.

PAY OF GRADUATES AND UNDER GRADUATES IN THE POST OFFICE.

132. **Mr. Amar Nath Dutt** : Is it a fact that graduates and undergraduates with two years' service at their credit are drawing less pay than those recruited after the 1st March 1927 ? If so, will the Government be pleased to state why these officials should be deprived of even the minimum pay fixed for them ?

The Honourable Sir Bhupendra Nath Mitra : The Honourable Member is referred to the answer given to unstarred question No. 100 asked by Mr. V. V. Jogiah in the Assembly on the 6th September 1927.

PAY OF GRADUATES AND UNDER GRADUATES IN THE POST OFFICE.

133. **Mr. Amar Nath Dutt** : Is it a fact that graduates and undergraduates with three and four years service at their credit are drawing equal pay with the new entrants ? If so, will the Government be pleased to state whether their long experience in the departmental rules and work will be taken into consideration in fixing their pay ?

The Honourable Sir Bhupendra Nath Mitra : The matter is under the consideration of the Government of India. The Honourable Member is refered in this connection to the reply given to unstarred question No. 100 asked by Mr. V. V. Jogiah in the Assembly on the 6th September 1927.

RESOLUTION NO. 90 PASSED AT THE 7TH SESSION OF THE ALL INDIA POSTAL AND R. M. S. CONFERENCE HELD AT NAGPUR.

134. **Mr. Amar Nath Dutt** : Has the attention of the Government been drawn to Resolution No. 90 passed at the 7th session of the All India Postal and R. M. S. Conference held at Nagpur on the 11th, 12th, 13th June 1927 ? If so, will the Government be pleased to state whether they propose to take any action as suggested in the Resolution ?

The Honourable Sir Bhupendra Nath Mitra : Yes. The matter is under the consideration of the Government of India.

APPOINTMENT TO THE FIRST DIVISION OF THE GOVERNMENT OF INDIA SECRETARIAT OF CANDIDATES SUCCESSFUL AT THE 1920 AND 1922 EXAMINATIONS.

135. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that a number of departmental candidates as well as outsiders who passed the prescribed test of the late Staff Selection Board in 1920 and 1922 for appointments to the first division in the Government of India Secretariat still remain unprovided for with appointments in that division ?

(*b*) Is it also a fact that while these men remain unprovided, others who qualified for the first division appointments at later examinations have been appointed in that division ? If so, will Government please state the reasons for doing so ?

(c) Are Government aware that this has caused great discontent amongst the men of category (a) above ? How many of such men are awaiting confirmation in the first division and how many of such outsiders have since accepted lower division appointments for paucity of vacancies in the first division ?

(d) Are Government considering the question of absorbing these men by inter-departmental transfer or by any other suitable method ? If not, why not ?

(e) Do Government propose to hold further examinations for recruitment to the first division pending the absorption of these ? If so, why ?

(f) What is the generally accepted principle for determining relative seniority for confirmation in the first division other things being equal ? Is the length of service as well as War service taken into account in determining relative seniority ? If not, why not ?

(g) Is the principle of determining relative seniority uniform in all Departments of the Government of India ? If not, why not ?

The Honourable Mr. J. Crerar : (a) to (d). I would refer the Honourable Member to the replies given on 1st March last to Mr. Gaya Prasad Singh's questions Nos 678 and 679 As then explained the detailed information asked for in regard to departmental candidates is not readily available Such candidates can ordinarily look to promotion only in their own departments, though there is nothing to prohibit inter-departmental transfers, provided the Department in which a man is employed permits him to seek an appointment in another Department. Vacancies are very often of short duration and it is not always possible for a Department to spare the services of a man for short term vacancies As regards outside candidates, of those who passed for the upper division of the Secretariat in 1920 and for the upper division of Attached Offices in 1922 and whose names are at present on the list of waiting candidates maintained by the Public Service Commission, only one man remains to be provided for in the upper division of the Secretariat and 4 men in the upper division of Attached Offices In addition there are 8 men who are temporarily employed in the grades for which they passed. Of those outside candidates who passed the upper division test in 1920, 12 candidates have accepted permanent lower division vacancies. The names of these men have been removed from the Commission's list. Certain candidates, who qualified for the upper division at the examination held by the Public Service Commission in November 1926, have been nominated for temporary vacancies of short duration, for which it was not possible to consider candidates who passed in 1920 and 1922 owing to their unwillingness to accept such vacancies

(e) There is no proposal at present to hold a further examination for recruitment to the first division.

(f) and (g). I am not sure that I quite understand the Honourable Member's question. Confirmation in the first division must depend on whether a man has passed the necessary examination or not, and on such factors as merit and capacity, position on the establishment list, age. and length of service, including war service, if any. Much must necessarily rest in matters of this sort on the discretion of the Department concerned, and absolute uniformity cannot be expected.

REMOVAL OF THE ARSENAL AND FORT ON THE SLOPES OF THE SHWEDAGON PAGODA AT RANGOON.

136. **U. Khin Maung**: Will the Government be pleased to state on what date the removal of the arsenal and fort on the slopes of the Shwedagon Pagoda at Rangoon will be effected?

Mr. G. M. Young: I am inquiring from the local military authorities and will let the Honourable Member know as soon as possible

As I stated in my answer to question No. 1128 on the 23rd March 1927, it is hoped to make the move before the end of 1927.

GRIEVANCES OF EMPLOYEES OF THE GOVERNMENT OF INDIA PRESSES.

137. **Mr. N. M. Joshi**: (*a*) Will Government be pleased to state if they have received a copy of the proceedings and resolutions of the All-India Press Employees Conference, which was held in Calcutta in August 13th and 14th, 1927?

(*b*) Will the Government be pleased to state what action, if any, Government intend to take on these resolutions?

The Honourable Sir Bhupendra Nath Mitra: (*a*) Yes

(*b*) None. It is open to any employee in a Government of India Press to put forward a memorial in respect of any grievance and, as a matter of fact, memorials are constantly received and considered It is also open to press employees to secure recognition for any trade union which conforms to the rules governing trade unions of Government servants, and to bring grievances to the notice of the proper authority by means of such trade unions The Government of India are not prepared to accord consideration to grievances put forward by press workers through other channels

MEMORIAL FROM THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

138. **Mr. N M. Joshi**: (*a*) Is it a fact that the employees in the Government of India Press, Calcutta, submitted in December 1926 a memorial to the Honourable Sir B N Mitra, Member in charge of the Department of Industries and Labour?

(*b*) If the reply to (*a*) is in the affirmative, will Government be pleased to state what steps, if any, have been taken regarding this memorial?

(*c*) If nothing has been done as yet, will Government kindly state when they mean to do so?

The Honourable Sir Bhupendra Nath Mitra: (*a*) Yes

(*b*) and (*c*) The memorial has necessitated a detailed examination of the various points raised and is receiving the careful consideration of Government As the memorialists were informed at the time, it is unlikely that any action can be taken before the commencement of the financial year 1928-29.

PURCHASE AND SALE OF MACHINES BY THE GOVERNMENT OF INDIA PRESSES IN CALCUTTA, DELHI AND SIMLA.

139. **Mr. N M. Joshi** : (*a*) Will Government be pleased to lay on the table a statement of the number of machines bought by the Government of India Presses at Calcutta, Delhi and Simla from 1909 to 1926, year by year ?

(*b*) Will Government be pleased to state the amount, if any, realised as discount on the purchase of each machine ?

(*c*) Will Government be pleased to lay on the table a statement showing for the years from 1909 to 1926, year by year :

(*i*) the number of machines and presses sold by the Government of India Presses at Calcutta, Delhi and Simla ; and

(*ii*) the amount for which each was sold, together with the original price for which each was bought, as well as the date of purchase and sale of each ?

The Honourable Sir Bhupendra Nath Mitra : The collection of particulars of the purchase and sale of every machine in each of three presses for each of eighteen years would involve a very large amount of labour, even if the necessary records are available and the Government do not feel justified in undertaking this enquiry. Particulars for the last two or three years could probably be furnished without an undue amount of labour and difficulty, and if these will serve the Honourable Member's purpose I shall endeavour to have them supplied to him

SALE OF WASTE PAPER BY THE GOVERNMENT OF INDIA PRESSES IN CALCUTTA, DELHI AND SIMLA.

140 **Mr. N. M Joshi** : (*a*) Will Government be pleased to state whether the Government of India Presses at Calcutta, Delhi and Simla call for tenders with regard to the sale of old papers ?

(*b*) If the answer to (*a*) is in the negative, will Government be pleased to state the reason for not doing so ?

(*c*) Will Government be pleased to lay on the table a statement showing, year by year, from 1915 to 1926, the amount realised from the sale of waste paper ?

The Honourable Sir Bhupendra Nath Mitra : Information is being collected and will be supplied to the Honourable Member when available.

MESSAGE FROM THE COUNCIL OF STATE

Secretary of the Assembly Sir, the following Message has been received from the Secretary of the Council of State :

"I am directed to inform you that the Council of State has at their meeting held on 17th September 1927 agreed without any amendments to the following Bills passed by the Legislative Assembly on the 7th and 8th September 1927 :

A Bill further to amend the Indian Tariff Act, 1894, in order to protect the manufacture of cotton yarn in British India ;

A Bill further to amend the Indian Tariff Act, 1894 "

Mr. President : The House will now resume further consideration of the Bill to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, as reported by the Select Committee, clause by clause.

The clause which the House was discussing on the last occasion was clause 3.

The question is :

"That clause 3 do stand part of the Bill."

to which Pandit Thakur Das Bhargava has moved the following amendment :

"Delete sub-clause (ii) of clause 3 and re number sub clauses (iii) and (iv) as (ii) and (iii), respectively "

Pandit Thakur Das Bhargava (Ambala Division . Non-Muhammadan) . Sir, the other day I moved the amendment standing in my name Now, I propose to submit some of the grounds on which I submit that this amendment should be supported In the first place, I maintain that it is quite wrong in principle to deprive a subject of the liberty of prosecuting a person who transgresses the law The vindication of the law and the punishment of the offender is not the sole concern of the State. It is clearly to the greater advantage of the individual or the class concerned that an offender who has been guilty of an offence against an individual or any class should not be allowed to persist in his activities and thus continue to injure either the individual or the class. It is therefore that the general law of the country lays down that any person is entitled to initiate a prosecution in respect of offences except such as have been exempted by certain sections of the Code of Criminal Procedure I need not quote any authorities for such a patent proposition like this If any authorities were needed, I would quote 13 Bombay, page 600 and 43 Calcutta, page 1043. All the authorities are agreed that the right of initiating proceedings is a very valuable right and I should say that it is really one of bulwarks of individual freedom and liberty. If any person brings a complaint, the court cannot refuse to entertain that complaint and the court is incompetent to enquire into the motives *which actuate that person or the objects with which that person brings* that complaint This being the general law of the land, there is a very heavy onus on the Government to prove that in this particular case an exception is justified This right of initiation of prosecution is a very great safeguard and is in the nature of a safety valve to all human instincts of retaliation and revenge At the same time, it constitutes a very serious restraint on the wrong doer because he fears that any individual in the land can bring him to book In fact, Sir, the right to petition the King, the right to bring a complaint, these are the very essence of liberty of action and of freedom of any individual I would therefore submit that unless very strong reasons can be advanced by the Government for a reservation of this nature, the House should not be a party to a deviation in that respect.

Mr K. Ahmed (Rajshahi Division · Muhammadan Rural) . What is the object of the Government then in introducing this Bill ?

Pandit Thakur Das Bhargava : Sir, you will be pleased to see that there are certain sections of the Code of Criminal Procedure which are at present on the Statute-book and which constitute the only exceptions to this rule. These sections are sections 195 to 199. The perusal of those sections will establish, Sir, that the law has made an exception to the general rule in respect of several kinds of offences but there is one clear principle which is, I submit, of universal application. It underlies all those sections, and passes as it were like a string through them. Now sections 198 and 199 deal with defamation and offences against marriage, breach of contract : all offences of a private character ; and section 199 deals with sections 498 and 497 in the Penal Code Now, Sir, I would submit that public policy requires that in private matters like these nobody need poke his nose into Moreover, this principle will appear even from those sections, that the persons injured have got a perfect right of action, even to this extent that the Government cannot deprive the person injured of his right and the Government itself have no right to initiate a prosecution in respect of those matters. Apart from those two sections, section 195 is also one of the exceptions ; but you will be pleased to see that section 195 deals with three kinds of offences. Those dealt with in 195 (*a*) constitute in substance contempt of the authority of a public servant and it is public servants who by the fiction of the law are thought to be injured by those offences Public servants so injured are given the right of initiating proceedings Similarly, in section 195 (*b*) particular courts are by fiction of the law regarded as the injured party, and the courts concerned are given the right to initiate prosecutions Similarly, again, in section 195 (*c*), the courts in respect of whom such offences are committed, are given the right of initiation of proceedings In section 196 you will be pleased to see that the offences are against the State and it includes certain offences which are peculiar to the State Chapter VI and Chapter IX-A and section 505 are such offences. Section 294-A is also mentioned and in that case an exception is made in respect of an offence against public morals. An exception is also made in the case of section 153-A, for the reason that it is an offence against public tranquillity and public tranquillity is the special concern of the State. In section 196 also that particular exception which I have already indicated is found to be of universal application That is, the State, taken as a legal person, is the person who in contemplation of law is injured by the offences enumerated in that section Section 197 deals with public servants of a special dignity. As regards these persons also, the law regards that in certain cases sanction can be given as it is the Government who employs them which is injured by the action of those persons. So in all these sections the principle is that the person injured has got the right to initiate proceedings

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Who is injured ? A class.

Pandit Thakur Das Bhargava : In this particular case either a class or a member of a class is injured To take an example, supposing an offence is committed against the Hindu community, it may be that the whole community is injured or only particular persons belonging to that class. So that either individual members of the class or the class as a whole can be regarded as victims. In this case my humble submission is that logically speaking there is absolutely no reason why this power

should be reserved to the State and not be enjoyed by individuals or the public. A perusal of section 295A in the present Bill will establish that this is an offence relating to religion ; this new offence is not an offence relating to public tranquillity. Such considerations as that there is clamour, that there is a particular agitation for something, that a person is politically important, that it will be in the public interests other than those based upon justice—all such considerations are not germane to the subject. When this particular offence has been classed under the heading " Offences relating to Religion ", my humble submission is that this particular section has been given a sacrosanct place in that Chapter ; and I would submit again, as I submitted on the last occasion, that offences under sections 295 and 296 are not less heinous in their character than an offence under section 295A. But in the offences coming under Chapter XV there is no reservation on behalf of Government with regard to the initiation of proceedings ; and I for one do not know what reason there is for meting out special treatment to this section. So far as this section is concerned, this section has in many ways been treated more favourably than the other sections in the Penal Code under that Chapter. Offences under this section are triable by the Sessions Judge, whereas offences under section 295, which deals with such things as the breaking of idols and defiling other objects held sacred by certain sections of the community, are triable by a second class magistrate Anyhow, Sir, so far as the individuals of a class are concerned, it is clear that so far as these two sections are concerned, my humble submission is that if sections 295 and 296 are not more important and heinous than 295A, still they are equally important and heinous, and therefore no distinction should have been made, and when there is no reservation in the Government for proceeding under those sections there is absolutely no reason why there should be any reservation in regard to this section Further, Sir, it will be very difficult for the Government to decide in many cases whether a particular insult is one in which the Government should interfere. The Government are taking a very heavy responsibility on themselves and in fact it will appear that the Government will be taking the place of the injured party in the real sense, and will assume to themselves the powers which should be given to the head of those religions or the associations of those religions or the members of those religions In fact, Sir, it appears to me that this kind of reservation is a serious interference with the religious liberties of the members of the particular communities concerned. This Government of India being quite irreligious in their nature—I mean secular—must realise that in many cases their action would give rise to resentment and heartburning And, Sir, if there is a private prosecution the Government need not bear the expense as otherwise they shall have to. In the *Rangila Rasul* case, where several counsel appeared, the Government had to pay Rs 1,500 a day to one counsel alone Those persons who feel aggrieved will be able to bring the best evidence before the court and in case the evidence is not put forward by the Government then the people will have a very genuine cause of grievance So that my humble submission is that on principle and logic there is no reason why this Government should arrogate to itself the powers which in all ordinary cases belong to the public.

Mr. K. Ahmed : It is just the other way round The log' this side.

[Pandit Thakur Das Bhargava.]

then I would proceed to my second point. If the House thinks that the past conduct of Government has been such that it can place full reliance in it in a matter like this, then I would proceed to my other point. I therefore request you either to allow me to go on or to give me a ruling on the point.

(The Honourable Member resumed his seat.)

Mr. President : Sir Abdul Qaiyum.

Nawab Sir Sahibzada Abdul Qaiyum : Sir, I want......

(*At this stage Pandit Thakur Das Bhargava rose in his place.*)

Mr. President : If the Honourable Member (Pandit Thakur Das Bhargava) wishes to proceed, he could not do so by resuming his seat. The Chair will allow him to continue so long as he is relevant.

Pandit Thakur Das Bhargava : Then, Sir, I will come to the instances. On the day on which Swami Shradhanand was murdered, on that very day another gentleman was murdered and a book was written... ..

Mr. President : Order, order. The Honourable Member is not relevant.

Pandit Thakur Das Bhargava : So far as the other instance is concerned, it relates to the *Risala Vartman* case which was also a reply to the other publications appearing in other papers My complaint is that up to this time the authors of those books, in reply to which these later publications were written, are still free and the Government has not touched them. The reply which the Government gives is that, inasmuch as there was no sufficient agitation in the country and there was no clamour, those persons were not prosecuted. If that is the way in which this Government is going to start prosecutions against offenders of religion, we should not give this power to Government with a view to strengthen its hands so that it can dole out mercies in the way in which it chooses to do These are the two examples I wish to give, but since I have taken more time than I should have taken I hesitate to give other examples Still I submit before you that these two examples are not the only two examples. I could give scores of other examples. I could quote many instances in which Christians and Muhammadans have been vilifying and flouting the most cherished beliefs of the Hindus and the Government have stood by and not raised their little finger. Now, Sir, the question arises what would happen to the other small communities living in this country. This is not a measure for Hindus and Muhammadans alone The smaller communities will not be able to exercise that influence with the Government which the more influential communities can Unless the only consideration which the Government should have in the initiation of proceedings is justice and justice alone, I fear these smaller communities will never be protected

Now, I come to the third point It has been said that if this power is not given to the Government there will be a flood of prosecutions and there will be frivolous accusations May I point out that the existing provisions in the Act are quite sufficient and that they provide sufficient safeguards Sections 182, 211 and 250 are quite ample and there is no occasion for finding out more protection Barring that, the Select Committee

has been pleased to devise a very good protection for offenders of this class. As you know, this offence is triable by a Sessions Judge. All proceedings in the Court of Session have to pass through the commitment stage. All cases in which there is no reasonable chance of conviction will be arrested in the scene of the commitment stage and the only cases that will go up to the Court of Session will be those in which there will be a reasonable probability of conviction. Further, there is even now a section in the Criminal Procedure Code, section 196A, which says that the Government are authorised to make a preliminary inquiry or investigation made by a police inspector Instead of a police inspector's report we have an ordinary court of law armed with powers of commitment, and therefore I submit that the safeguards provided in this Bill are clearly more protective in their nature than those contemplated in section 196A. There is one point which I want to bring to your notice specially. If prosecutions are initiated by the sanction of Government, there is an unconscious bias in the mind of every judge that since the thing comes from the Government, there is a *primâ facie* case There are greater chances of conviction than in others. I am not suggesting that the judges consciously do it, but I submit that every person will be affected in that way. Every person will think that it has been done with due care and caution

Mr President : Order, order The Honourable Member seems determined to *disregard the hint given to him by the Chair that he should* conclude his observations.

Pandit Thakur Das Bhargava : Then this is all I have to submit. I move my amendment.

Nawab Sir Sahibzada Abdul Qaiyum : I do not want to make a long speech I only want to touch a few points raised by the last speaker In the first place I am very sorry to hear in this debate that the Rajpal case is still referred to as the *Rangila Rasul* case I thought we had got rid of that word "Rangila" by the decision of the High Court.

Mr President : All references to the *Rangila Rasul* case are out of order.

Nawab Sir Sahibzada Abdul Qaiyum : Inasmuch as it injures the feelings of Mussalmans I thought the Honourable Members would refer to the case as the Rajpal case instead of the *Rangila Rasul* case That is all I want to say on this point.

Then, Sir, the speaker said that Government were trying to create divisions among the various communities in India The Government find all these divisions existing in the country and are simply trying to keep the balance and safeguard the interests of the minority My Honourable friend was trying to prove a grievance against the Government on the part of his community May I point out to him that in the North-West Frontier Province there is a small community of 5 per cent whose rights are as vigilantly safeguarded and protected by Governmen as the rights of the Muslim minority in certain parts of India (*Lala Lajpat Rai* : "Question ?") You have only to go there and see (*Lala Lajpat Rai* · "I know it")

Mr M. K Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : May I ask, Sir, if this is in order ?

Nawab Sir Sahibzada Abdul Qaiyum : Then, Sir; if the right of prosecution were allowed to be exercised by individuals, I fear that what we are trying to avoid will be more definitely encouraged. Instead of fighting over their grievances in the open streets in the form of riots, the masses will be carrying on a warfare in the law courts. (*Lala Lajpat Rai* : "Will it not be better ?") The result will be the same If this right is allowed to individuals, the better organised sections of the communities, instead of fighting matters in an open way, will be simply carrying on a warfare in the courts I know there are individuals among the Hindu community, who can spare a good deal of money for such litigation. As a matter of fact I am told that there are individuals, who are already spending a good deal in this way—thousands and thousands of rupees in the form of allowances and passage moneys, and in the form of presents to men, who are carrying on a regular campaign for them in what they call a constitutional way If this is allowed to proceed, then rich men can easily save their skins and injury to their persons, by raising funds to enable people to institute cases and carry on a warfare in the law courts. I wish I could put this point a little more clearly, but I do not think I can do it more effectively. I thought the new offence which was going to be added to the Penal Code, was a more serious offence and that it was being enacted for the sake of avoiding trouble and disorder in the country. It is certainly for Government to take action in cases in which there is the possibility of a general disturbance of the peace because of insults to religions or the religious feelings of a class of persons—it is not a question of insult to the personal feeling of an individual, for which he is, I am sure, always entitled to seek redress It is really a matter of the insult to the whole community or class of persons, as it is worded in the section, that has to be defended , and in such cases it is only the Government which ought to take action. I do not see why individuals should be burdened with the expenses of bringing law suits when this can more conveniently be taken up by Government. This is not the concern of individuals, it is a class or communal affair, and as the Government has guaranteed the protection of the religious beliefs of the public and the liberty to perform their religious practices, it is also the duty of Government to defend those beliefs and practices whenever the same are violated and the freedom of thought and action in matters religious is interfered with by anybody in this country.

In short, Sir, this measure is practically the creation or outcome of the misplaced sympathy of certain members of the last speaker's community in the Rajpal case

The Honourable Mr. J. Crerar (Home Member) : Sir, I rise to oppose the amendment. When I first asked that this Bill be referred to Select Committee I made it quite clear to the House, and I think the House at that time accepted the view, that this provision which requires the authority of the Government for the institution of a prosecution was, next after the clause creating the offence, the most essential part of the Bill That point of view was carefully examined by the Select Committee, as will be fully apparent from their Report. In the Select Committee this matter was regarded as a matter of the greatest importance and the conclusion arrived at is embodied in the Report.

Now, Sir, I will examine in the first place some of the grounds which have been alleged by the Honourable gentleman opposite in moving his amendment. He suggested in the first instance that this provision was a serious interference with liberty, and secondly, that it was a serious infringement of a general rule of law. Now, as regards the first question, serious interference with liberty, I point out that the offence which this Bill would create has not yet been created—that in point of fact no right to prosecute in respect of such an offence is in existence and consequently this provision requiring the authority of Government cannot conceivably be represented as making any inroads upon the liberty of the subject. Secondly, the general rule of law which the Honourable Member referred to really is this, that where a particular individual is injured by a criminal offence he should have his own remedy. In this case the offence is not an offence which is directed against or is suffered in particular by any one individual. The offence is of a totally different nature, and when the Honourable Member instances the sections of Chapter XV in the Code, he will, I think, if he examines them a little bit more carefully, find that there in nearly every case they are offences committed either against a specific individual or against a specific and ascertainable group of individuals. I contend therefore that on the two points of principle on which he moves his amendment his grounds are erroneous.

But, Sir, the really important matter is the practical consideration. My insistence on the necessity of this provision was not merely a desire to add to the executive powers of Government. Any one who considers carefully the object of this Bill and the circumstances in which it has been brought to the judgment of the House will realize at once that to pass the Bill and to put it into operation without this particular provision would be tantamount to taking a barrel of gun-powder and exposing it in an open space where sparks from a smouldering fire are still flying round. That, Sir, is a proposition which Government would never submit to this Legislature, and it is one, I hope, which this Legislature would never consent to agree to.

(Several Honourable Members moved that the question be put.)

Mr. President: The question is that the question be now put.

The motion was adopted.

Mr. President: Order, order. The question is:

"Delete sub-clause (ii) of clause 3 and re-number sub-clauses (iii) and (iv) as (ii) and (iii), respectively."

The Assembly divided:

AYES—18

Aney, Mr. M. S.	Neogy, Mr. K. C.
Bhargava, Pandit Thakur Das.	Prakasam, Mr. T.
Das, Mr. B.	Sarda, Rai Sahib Harbilas.
Dutt, Mr. Amar Nath.	Singh, Mr. Gaya Prasad.
Gulab Singh, Sardar.	Singh, Mr. Narayan Prasad.
Kartar Singh, Sardar.	Singh, Mr. Ram Narayan.
Mitra, Mr. Satyendra Chandra.	Sinha, Kumar Ganganand.
Moonje, Dr. B. S.	Sinha, Mr. R. P.
Mukhtar Singh, Mr.	Sinha, Mr. Siddheswar.

NOES—70.

Abdul Haye, Mr.
Abdul Matin Chaudhury, Maulvi.
Abdul Qaiyum, Nawab Sir Sahibzada
Abdullah Haji Kasim, Khan Bahadur Haji
Ahmad, Khan Bahadur Nasir-ud-din
Ahmed, Mr K.
Alexander, Mr William
Anwar-ul Azim Mr
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.
Ayangar, Mr V K. Aravamudha
Ayyangar, Rao Bahadur Narasimha Gopalaswami
Badi-uz Zaman, Maulvi.
Bajpai, Mr. G S
Blackett, The Honourable Sir Basil.
Bray, Sir Denys
Chalmers, Mr T A.
Chunder, Mr Nirmal Chunder.
Coatman Mr J
Cocke, Mr H. G
Cosgrave, Mr. W A.
Courtenay, Mr. R. H.
Crawford, Colonel J D.
Crerar, The Honourable Mr. J
Crofton, Mr. R. M.
Dakhan, Mr. W. M. P. Ghulam Kadir Khan.
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr J. T.
Dunnett, Mr. J. M.
Farookhi, Mr. Abdul Latif Saheb.
Ghazanfar Ali Khan, Raja.
Ghuznavi, Mr A. H.
Gidney, Lieut.-Colonel H. A. J.
Gour, Sir Hari Singh.
Haigh, Mr. P. B.
Irving, Mr. Miles.
Ismail Khan, Mr
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Jayakar, Mr. M. R.
Jinnah, Mr. M. A.
Joshi, Mr. N. M
Jowahir Singh, Sardar Bahadur Sardar
Kabul Singh Bahadur, Captain.
Keane, Mr M
Khin Maung, U.
Kidwai, Mr. Rafi Ahmad
Kirk, Mr R. T F.
Kunzru, Pandit Hirday Nath.
Mitra, The Honourable Sir Bhupendra Nath.
Mukherjee, Mr. S C
Murtuza Saheb Bahadur, Maulvi Sayyid.
Parsons, Mr A. A. L.
Rainy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Rao, Mr. G Sarvotham.
Roy, Mr K. C.
Sams, Mr H. A.
Shafee, Maulvi Mohammad.
Shah Nawaz, Mian Mohammad.
Shervani, Mr. T A K.
Siddiqi, Mr. Abdul Qadir
Singh, Rai Bahadur S N.
Suhrawardy, Dr. A.
Tonkinson, Mr. H.
Wright, Mr. W. T. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

The motion was negatived.

Mr Abdul Haye (East Punjab : Muhammadan) : Sir, I rise to move the following amendment that stands in my name :

"That in column 5 of the entry in clause 3 (iii) of the Bill, for the word 'bailable' the words 'not bailable' be substituted.

I believe, Sir, the House is aware that when this Bill was originally introduced in this Assembly by my Honourable friend, the Home Member, it provided that the offence should be non-bailable. Since then the Select Committee has by a narrow majority made it bailable, and hence my amendment. While moving this amendment I have in view only those specific cases for which we are providing by means of this legislation. We are here

providing for cases where some unscrupulous persons, about whom I have no hesitation in saying that they are the enemies of society, take it into their heads to make scurrilous attacks against religion or against the founders of religions. When we bear in mind such cases I believe there can be no two opinions as regards the necessity of this amendment. Sir, I hope that for such persons there can be no sympathy in the minds of the Honourable Members ; and, Sir, we must also bear in mind what may quite naturally follow such scurrilous attacks. Once we have such attacks, or once we have such abusive publications, these publications and these attacks, I venture to submit, may lead to breaches of the peace, to riots, murders, arson, and what is still worse to chaos and even to civil war. We should bear in mind what happened in this country, what happened in the province from which I have the honour to come, what happened in the North West Frontier, over the publication of that vile pamphlet with a still more vile title which was written by Rajpal Sir, when we bear that in mind, I for one feel surprised at the tone of the speech of my Honourable friend, Mr. Amar Nath Dutt He seems to suggest that that agitation was a got up one or that it was a spurious one. I need only refer him to the speeches that my Honourable friend Sir Denys Bray made on this subject in this House as also in another place Sir, those Honourable Members who do not see eye to eye with me have evidently in view the cases of those persons who *bonâ fide* and honestly want to criticise religious tenets and religious leaders. To them my answer is that they need have no misgivings on their account. (*An Honourable Member* : " Why ? ") Such writings and such criticisms do not come within the purview of this law. Why should you as legislators assume that they will be prosecuted ? Sir, do they not have sufficient immunity against prosecution in the provision to which we have just agreed, namely, that no prosecutions shall be launched except with the authority of a Local Government ? I would go a step further .

1 P.M.

Lala Lajpat Rai (Jullundur Division . Non-Muhammadan) · Why do you assume that Local Governments are always infallible ?

Mr. Abdul Haye : I make no such assumption but why should you suspect the Local Governments ?

Mr. M. S. Aney (Berar Representative) We have reasons not to feel confidence Is it not a fact that the majority of State prosecutions have served to shake and undermine the confidence of the Indian people in British Justice more than any thing else

Mr Abdul Haye : Sir, I would go a step further and meet my friends on their own ground Even assuming that the Local Governments go wrong, even assuming that the honest critic of religion or a religious leader would be hauled up in a criminal court, my submission is that there is ample provision in the existing law, i.e., in section 497 of the Criminal Procedure Code, to release that man on bail at once and there will be no difficulty in doing so Those Honourable Members who practise the profession of law know perfectly well that the provisions of that section have been sufficiently enlarged and they are being freely used at present by the criminal courts

Pandit Thakur Das Bhargava . A new circular has been issued.

Mr. Abdul Haye : To what effect ?

Pandit Thakur Das Bhargava : That bail should not be taken in ordinary non-bailable cases.

Mr. Abdul Haye : My submission further is that I cannot dream of a case which would be exclusively triable by a Court of Session and yet it would be bailable. It would be a departure from the existing arrangement of the Criminal Procedure Code. And the last word, Sir, that I have to urge before the House is that we are to-day by means of this legislation making scurrilous attacks on religion and religious founders a distinct and specific offence And now, after the recent decision of the Division Bench of the Lahore High Court there are no two opinions on this point that such scurrilous attacks would also come within the purview of section 153A, let it be remembered that an offence under section 153A is non-bailable. So, if you make this present offence bailable, the position would be this, that an offence which would come merely under section 153A would be non-bailable, whereas another offence which would be an offence under the new law as well as under 153A would be bailable.

Sir, I move my amendment.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I rise to oppose this amendment, and in fact when I was listening to the speech of my Honourable friend Mr. Abdul Haye I thought that I was in a magistrate's court listening to the argument of a prosecuting counsel not to allow bail to the prisoner before him. One other aspect of the controversy that has arisen in this House seems to me that a certain section of the community thinks that these prosecutions are safe in the hands of the Government, and in spite of their political creed being not to co-operate with the Government, they went to the same lobby with the Government, thinking that these matters are not safe in the hands of their own countrymen, but safe in the hands of an alien bureaucracy. I was pained to see many Honourable friends going to the same lobby as [illegible] this matter. Now Sir, I am very sorry that my friend [illegible] my speech. I do not know wherein [illegible]rued to have been anything to cause pain in the minds of my friend If I have uttered any such thing, although after a careful perusal of my speech when it was sent to me, I did not find anything of the type, still I express my regret, if any words of mine unconsciously have caused him pain. (Hear, hear.)

Mr. Abdul Haye : The tone of your speeches and the mischievous amendments proposed by you have caused a great deal of pain in the minds of Mussalmans.

Mr. Amar Nath Dutt : I am very sorry. I honestly believed that I was advancing the cause. But I have found worse things than this in this House about the two communities In fact, I will not be justified in saying what I feel about religions as they are practised in this world. For myself I may tell this House that my opinion is that these religions are at the root of all the mischief in this world. (Hear, hear.) The sooner religion vanishes from this world the better. Whatever may be my individual opinion, I beg to submit that the more we want to strengthen the hands of the Government in these matters, the more we give the foreign bureaucracy more powers in their hands to create a servile class amongst us In fact, arguments in this House have proceeded on the line as if a certain section is the favourite of the foreign bureaucracy, while the other

is not, (*An Honourable Member* : "Question ?") (*An Honourable Member* : "Child wife.") Those friends who now have so much faith in the bureaucracy, and go to the Government lobby, should remember that others may also imitate the same trick and they may also join hands with the bureaucracy, and where will they be then ? They may be in the minority, and I warn them against such a contingency in the future. In this view of the case, Sir, I think the offence should not be made non-bailable, but it should be made bailable.

The Honourable Mr. J. Crerar : Sir, I rise to support this amendment (Applause), and the reasons which prompt me to do so I shall place very briefly before the House. In the first instance, we have to consider what the law in the matter is. Broadly speaking, my own opinion is that an offence of this character, in view of its gravity, in view of the serious public consequences that might flow from it, is an offence which *per se* ought to be a non-bailable offence

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : What about section 295 ? Read that section and compare.

The Honourable Mr. J. Crerar : That is a somewhat different matter, because the offence there is a purely local offence committed against a particular individual.

Mr. K. C. Neogy : Not at all, any class of persons.

The Honourable Mr. J. Crerar : A local offence committed by a person at a particular spot. (*Mr. K. C. Neogy* : "Where do you get that ?") Apart from that, Sir, the House must, I think, be disposed to give a certain amount of credit to the discretion of the courts. The law in the matter is perfectly clear, perfectly simple and full of safeguards. This offence is not an offence for which the police can arrest without a warrant. Proceedings therefore can only be instituted when a warrant is issued by a duly authorised court That court has complete discretion under the Criminal Procedure Code whether the warrant it issues shall be a warrant with bail or without bail. Now, the suggestion has been made that the kind of persons likely to commit offences under this Bill are persons whose sense of responsibility will be such that they would not attempt to evade the process of the court but would come and justify their conduct in the court. These are circumstances of which the court can take cognizance and it can exercise its discretion and issue a bailable warrant. But, as a matter of fact. I think it will be generally recognised that the kind of person most likely to commit an offence under this Bill will be some obscure and scurrilous scribler writing from some obscure den or pot-house in a bazaar, whose appearance in the court could by no means be relied upon As soon as the law is set in motion against him, he will set himself in motion. Those are the considerations which, I think, so far as the safeguards and the necessary security and also the practical requirements of the case are concerned, are such as to render this amendment a desirable amendment of the Bill.

(Several Honourable Members moved that the question be put.)

Mr. M. R. Jayakar (Bombay City : Non-Muhammadan Urban) : Sir, I rise to oppose this amendment.

[Mr. M. R. Jayakar.]

This question was considered very carefully and in a very dispassionate manner by the Select Committee and the balance of opinion was that, having regard to the special circumstances of this Bill, this offence *should be made bailable.* I am very sorry, Sir, that a non-official Member should have moved this amendment. My reasons for opposing this amendment are briefly as follows. Many of us, Sir, are supporting this Bill as a necessary measure, as a necessary evil, and we are anxious that we should not make this Bill more drastic than the necessities of the case require. It is on that principle that Honourable Members will find some of the amendments tabled, for instance, an amendment that this Act should be in operation for three years only. The point of view of some of us on this side of the House is that it will be a part of wisdom not to make this Bill more drastic than is necessary. Now, what are the facts? This Bill contemplates a crime which *ex hypothesi* will be committed by some one who writes or speaks words attacking a religion. In the majority of cases the offender will be connected with some newspaper, some press or some organisation and therefore he will not be a solitary individual who will run away pending his trial. He will have a location and an organization; he will have a basis which he cannot obliterate by his personal absconding. That is one principle to be borne in mind. The second principle by which questions of bail are generally determined is whether by being at large he is likely to tamper with the evidence. I want Honourable Members, who are not lawyers, especially to remember the two principles by which questions of bail are generally determined. The first principle is: Is the offender likely to abscond? About this point, I have already stated my views. He will not abscond, because his press, his newspaper or his organisation are all there; they cannot be wiped out. Therefore, there is very little chance of his running away pending his trial. The second principle is: Is he likely to tamper with the evidence? I submit he is not, because it is purely a question of construing his speeches as reported or interpreting his writings as written. It is not a question in which oral evidence is very material or witnesses are likely to be tampered with. The main question which this Bill involves for the court to find out whether the words of the infringing article or speech constitute an attack on religion. The next question is whether there is the necessary *intention* of insulting the religion. The third question is whether that intention is *deliberate* and the fourth question, which is a very complex question, is whether it is a *malicious* intention. These are all questions in which oral evidence is of very little value. On the contrary, these are such complex questions that it is desirable in the interests of justice and fair play that the man should be at liberty to instruct his counsel and his vakil and prepare his defence, because these are all complex questions of intention in which his personal explanation and criticism outside the prison house is material for his defence. I do not want Honourable Members merely to vote on this question on party lines, but I want them to apply their mind as to whether it is really necessary in the interests of justice that we should put the offender in prison from the very start so that his counsel, solicitor, or vakil would lose the benefit of a personal explanation or efforts in preparing the case. The offence here is unlike waging war or rebellion. The offender here has made a speech of which there is a report somewhere or has written an article of which there is

some record. His press is there and his organisation is there ; and he is not likely to run away. A fanatic is not likely to abscond. He is often a courageous man Therefore, I submit there is not much risk in allowing the man out on bail. Remember, Sir, the offence in this Bill is a very difficult one to try and determine What the court has to try is a series of important and complex psychological questions. I do not envy the position of the judge who will have to determine these questions. He has three conundrums set to him to answer. What is the intention ? This in itself is a very difficult question and lawyers know how difficult it is to prove intention apart from the words conveying it. The difficulty increases when proof is further needed that the intention is deliberate and malicious. Having regard to the complexity of these questions, I think that it is desirable that the man should be outside the prison house to prepare his trial rendered unusually difficult by this complexity. The Honourable Member Mr. Abdul Haye said that the Bill relates to unscrupulous offenders. But let him note that the Bill is not confined to unscrupulous offenders, but, as many Honourable Members have shown, the chances are that the even honest-minded men may come under it. Therefore we must r [illegible] f in all cases this Bill [illegible] Further, Mr. Abdul [illegible] able, the judge has authority to give bail My experience, Sir, is this that it is very difficult to obtain bail in non-bailable cases except from the highest tribunal I am not speaking with any disrespect of the lower judiciary, but I am stating the truth when I say that they are generally overcautious in such questions, being perhaps afraid of superior courts. Generally they do not give bail Is it desirable that the man should be put to the expense in all cases of going to the High Court ? Even the High Court often goes upon the opinion of the lower court and does not give bail

I submit that having regard to all these considerations, the balance of convenience requires that the man should be allowed to remain outside prison. There is a danger the other way The Honourable the Home Member remarked that serious public consequences are likely to follow from such an offence Assuming, for the sake of argument, that it is so, how is the seriousness increased by allowing the offender to remain at large after the offence was committed ? What is the reason for locking the man in the prison immediately the article is indicted ? What difficulties are likely to arise if he is at large ? As said above, there are only two possible difficulties that may arise. Is he likely to run away or is he likely to tamper with the evidence ? These contingencies are not very possible in this case Besides, in such cases, oral evidence is not very material. The only oral evidence which may at times be material is that of his listeners, as to what impression was created on their mind by the speech or writing But that evidence will be given only in very rare cases where the words are not clear Where the words are not clear, I submit there is not likely to be a conviction and it is no use locking the man in jail before his fault is proved. I submit, therefore, that the balance of convenience which weighed with the Select Committee is that this should not be made a non-bailable offence

(Several Honourable Members moved that the question be put.)

Mr. President: The question is that the question be now put.

The motion was adopted.

Mr. President: The question is:

"That in column 5 of the entry in clause 3 (iii) of the Bill, for the word 'bailable' the words 'not bailable' be substituted".

The Assembly divided.

AYES—54.

Abdul Haye, Mr.
Abdul Matin Chaudhury, Maulvi.
Abdul Qaiyum, Nawab Sir Sahibzada
Abdullah Haji Kasim, Khan Bahadur Haji.
Ahmad, Khan Bahadur Nasir-ud-din
Ahmed, Mr. K.
Alexander, Mr. William.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.
Ayangar, Mr. V. K Aravamudha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.
Badi-uz-Zaman, Maulvi.
Bajpai, Mr. G S.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Chalmers, Mr T. A.
Coatman, Mr J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Crofton, Mr. R M.
Dakhan, Mr. W. M P. Ghulam Kadir Khan
Dalal, Mr. A. R.
Dalal, Sardar Sir Bomanji.
Donovan, Mr. J. T.
Dunnett, Mr. J. M.
Farookhi, Mr Abdul Latif Saheb
Ghazanfar Ali Khan, Raja.
Gidney, Lieut.-Colonel H A. J.
Haigh, Mr. P. B.
Irving, Mr Miles
Ismail Khan, Mr.
Jowahir Singh, Sardar Bahadur Sardar.
Kabul Singh Bahadur, Captain.
Keane, Mr M.
Kidwai, Mr. Rafi Ahmad
Kirk, Mr. R. T. F.
Mitra, The Honourable Sir Bhupendra Nath.
Mukherjee, Mr. S. C.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Parsons, Mr. A. A. L.
Rainy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Sams, Mr H A.
Shafee, Maulvi Mohammad.
Shah Nawaz, Mian Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Rai Bahadur S N.
Tonkinson, Mr. H
Wright, Mr. W. T. M
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir

NOES—40.

Acharya, Mr. M. K.	Malaviya, Pandit Madan Mohan
Aney, Mr. M. S.	Mitra, Mr. Satyendra Chandra
Ayyangar, Mr. K. V. Rangaswami	Moonje, Dr. B. S.
Bhargava, Pandit Thakur Das	Mukhtar Singh, Mr.
Chunder, Mr Nirmal Chunder	Naidu, Mr B P.
Das, Mr. B	Neogy, Mr. K. C.
Das, Pandit Nilakantha.	Prakasam, Mr. T
Dutt, Mr. Amar Nath.	Rang Behari Lal, Lala.
Dutta, Mr. Srish Chandra.	Rao, Mr G. Sarvotham.
Ghuznavi, Mr. A H	Roy, Mr K C.
Gour, Sir Hari Singh	Ruthnaswamy, Mr M.
Iswar Saran, Munshi	Sarda, Rai Sahib Harbilas
Iyengar, Mr A. Rangaswami.	Singh, Mr Gaya Prasad.
Iyengar, Mr. S. Srinivasa.	Singh, Mr. Narayan Prasad
Jayakar, Mr. M. R.	Singh, Mr. Ram Narayan
Joshi, Mr N M	Sinha, Kumar Ganganand
Kartar Singh, Sardar.	Sinha, Mr R P.
Khin Maung, U.	Sinha, Mr. Siddheswar.
Kunzru, Pandit Hirday Nath.	Suhrawardy, Dr. A.
Lajpat Rai, Lala	Yakub Khan, Mr. Muhammad.

The motion was adopted.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. President The question is :

"That clause 3 do stand part of the Bill."

The motion was adopted

Mr. President · The question is

"That clause 1 do stand part of the Bill."

Mr. K. C. Neogy . Sir, I beg to move ·

"That clause 1 be re-numbered as sub-clause 1 (1) and the following new sub-clause be added :

'(2) It shall remain in force up to the 31st day of December, 1930'."

I feel, Sir, that not many words are needed from me in support of this amendment It is admitted on all hands that the situation that has necessitated the enactment of this special legislation did not exist a few years back, and we all hope, we are optimistic enough to hope, that in course of time the necessity for putting into operation legislation like the present one will be gone Sir, it is principally with this view that I gave notice of my amendment. I understand that on a recent occasion it has been admitted by some leading Muhammadan

[Mr. K. C. Neogy.]

gentlemen that there is some connection between the present communal unrest and the Reforms, particularly the forthcoming revision of the Constitution. I find, Sir, that speaking in the House of Lords in July 1926, the Secretary of State himself admitted that there was some such connection This is what Lord Birkenhead stated :

"It would in my judgment be untrue, for the reasons that I have given, to deny all connection between the Reforms and the present state of tension between Hindu and Moslem "

I therefore very much hope that when the necessary Parliamentary enquiry has been held and the revision of the constitution made, calm will be restored in the political atmosphere of this country and we shall have seen the end of these communal troubles.

Sir, the reason why I fixed the 31st December 1930, as the last date up to which it should remain in force is that it is expected that the report of the next Parliamentary enquiry will have been considered by that time, and whatever necessary legislation may be undertaken in Parliament to give effect to it will also have been passed.

Sir, having said this much, I cannot altogether keep from this House another reason which prompted me to give notice of this amendment. On the last occasion I made it quite clear that by reason of the prosecution under this new section being made dependent on the sanction of the Local Government, apprehensions are entertained in very many quarters, particularly in the province from which I come, as to whether this new law will be administered in an impartial manner. The speeches that have been made this morning by Members from some other provinces also go to substantiate that fear On the last occasion I referred to the evidence which a District Magistrate in Bengal gave in connection with a communal case as showing that what the Government take into consideration in coming to a decision in regard to such matters is the numerical strength of the people to whom any offence may be given Since then I have received the full text of the evidence of that District Magistrate and I want to place two sentences from his evidence before the House. This is what he states :

"The Muhammadan feeling is more important, as they are more numerous, less educated, less cultured and less self-restrained. If the Muhammadan got out of hand the result would be horrid ".

That is to say, when you consider the advisability of proceeding in a particular direction, say, under the proposed new legislation which we are considering, if you were to take all those factors into consideration, factors which have been mentioned by a very responsible officer in Bengal very recently, then certainly there is ample justification for entertaining apprehensions about the manner in which the law may be administered.

Sir, let us consider what would happen if people belonging to the Hindu community were to insult the religion of the Christians. The Christians in every province are in a minority. Let us assume that the Christians are possessed of all the Christian virtues and that particularly they follow that precept which requires them, if they are smitten on one cheek, to turn the other for similar treatment. The Hindus are of course more numerous ; supposing moreover that they were less educated, less cultured and less self restrained than the Christians, I ask

the Honourable the Home Member to say whether that would be a consideration in coming to a conclusion as to whether this particular section should be put into operation against the Hindus or not. Yet, that is exactly the position which was taken up by the District Magistrate of Barisal.

Now, Sir, on the last occasion as also in connection with the amendment of section 99A in 1926, I made a complaint that the Government of Bengal had not made sufficient use of the powers which the existing law gave them for the purpose of putting down or rather preventing those communal outbreaks I particularly mentioned the fact that on the occasion of the last Calcutta riots a large number of inflammatory pamphlets were in circulation which were held to be the primary cause of those riots. Sir, I hold in my hand a copy of the Indian Law Reports, Calcutta series, dated January 1927, in which there appears a judgment of the Calcutta High Court, and with your permission I will read out just a few sentences to show that the charge which I brought against the Government of Bengal is fully substantiated. This judgment was delivered by Mr. Justice Rankin and another Judge. Mr. Justice Rankin now being the Chief Justice of that High Court. The title of the case is P K. Chakravarti *v.* Emperor It is reported on page 59 of the Calcutta series of the Indian Law Reports for last January, Volume 54. Sir, this is what the present Chief Justice states in this particular case :

"In this case the appellant Mr. P. K Chakravarti has been ordered to enter into his own recognisance in the sum of Rs 500 to be of good behaviour under section 158 of the Criminal Procedure Code. The order has been made in respect of an article in the issue for the 27th April of this year of a newspaper called the *Forward* which is a newspaper printed in English and circulated in Calcutta "

"The circumstances at the time of the publication are shortly these An outbreak of rioting having occurred some little time before in parts of this city, it was after some time brought to notice that one of the causes of this outbreak, or, at least of its continuance, was the fact that certain people were circulating inflammatory leaflets in the vernacular in the streets—leaflets calculated to incite members of different communities to violence against one another The particular pamphlet, which is animadverted on in the article in question, was a pamphlet in Urdu printed on yellow paper and circulating apparently for the benefit of the Mahomedans What the appella [illegible] iphlet in an English translation. I [illegible] of the original Urdu; and what h [illegible] id that it is not difficult to trace t [illegible] Let us wait and see what steps t [illegible] r'."

For having committed this offence the editor of the *Forward* was hauled up on a charge under section 153A, the Government of Bengal did not care to find out the author of the original Urdu pamphlet which was circulated in the streets of Calcutta ; and for merely drawing pointed attention to that pamphlet in the columns of the *Forward*, this editor was tried under section 153A. It was lucky, of course, that he got off in the Calcutta High Court, but that shows the manner in which section 153A has been in operation in Bengal for some time I do not want to dilate on this point any further, but as I said, one of the reasons why I gave notice of this amendment was that I wanted to see whether the action of the Local Governments to whom we are entrusting the administration of this new clause will justify the confidence which this Legislature is called upon to repose in them

Sir, I move the amendment.

The Honourable Mr. J. Crerar : Sir, I rise to oppose the amendment.

[Mr. J. Crerar.]

I observe the arguments by which my *Honourable and learned friend* supported his amendment are really designed to deal with the question of the sanction of Local Governments I wish to point out that that point has already been decided by this House and it is not a question with which the House is at present concerned Whatever the *obiter dicta* of the District Magistrate of Barisal may have been, divorced as they are from their context, I submit they would have nothing whatever to do with the question now before the House Nor has the question raised by the Honourable Member as to the extent to which members of particular communities might conceivably come within the danger of this Bill—neither has that point any relevance to the duration of the Act if and when the Bill is passed

Mr. K C Neogy We want Government to be placed on probation

The Honourable Mr J. Crerar The essential point is this. The suggestion that this Bill was designed merely in order to conclude a current controversy is incorrect The Bill was designed to establish beyond any question of doubt a legal principle. That principle is in my opinion a sound one. It has already been twice affirmed by this House, and if it is a sound principle, it is one of permanent value and validity. I say, Sir, that the House has already pronounced twice on that question of principle I venture to say that we ought in this particular matter to have not only the courage of our opinion but consistency in our decisions.

Mr. President The question to put is

"That clause 1 be re-numbered as sub-clause 1 (*1*) and the following new sub-clause be added :

'(2) *It shall remain in force up to the 31st day of December, 1930* '."

The Assembly divided :

AYES—32.

Acharya, Mr M K.	Mitra, Mr. Satyendra Chandra.
Aney, Mr. M. S	Moonje, Dr. B S.
Bhargava, Pandit Thakur Das.	Mukhtar Singh, Mr.
Chunder, Mr Nirmal Chunder.	Naidu, Mr. B P.
Das, Mr B	Neogy, Mr. K. C.
Das, Pandit Nilakantha.	Prakasam, Mr. T.
Dutt, Mr. Amar Nath	Rang Behari Lal, Lala
Dutta, Mr Srish Chandra.	Rao, Mr G Sarvotham.
Gulab Singh, Sardar.	Roy, Mr. K C.
Iswar Saran, Munshi.	Sarda, Rai Sahib Harbilas
Iyengar, Mr A Rangaswami.	Singh, Mr Gaya Prasad.
Iyengar, Mr S Srinivasa.	Singh, Mr Narayan Prasad
Joshi, Mr N M	Singh, Mr Ram Narayan.
Kartar Singh, Sardar	Sinha, Kumar Ganganand.
Kunzru, Pandit Hirday Nath.	Sinha, Mr. R. P.
Lajpat Rai, Lala.	Sinha, Mr. Siddheswar.

NOES—49.

Abdul Haye, Mr.
Abdul Matin Chaudhury, Maulvi.
Abdul Qaiyum, Nawab Sir Sahibzada
Abdul Haji Kasim, Khan Bahadur Haji.
Ahmad, Khan Bahadur Nasir-ud-din.
Ahmed, Mr. K.
Alexander, Mr William
Anwar-ul-Azim, Mr
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.
Ayangar, Mr. V. K. Aravamudha.
Ayyangar, Rao Bahadur Narasimha Gopalaswami
Badi-uz-Zaman, Maulvi
Bajpai, Mr. G. S
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Coatman, Mr. J.
Cocke, Mr. H. G
Cosgrave, Mr. W. A.
Courtenay, Mr. R. H.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dalal, Mr A R
Dalal, Sardar Sir Bomanji
Donovan, Mr. J T
Dunnett, Mr. J. M
Farookhi, Mr. Abdul Latif Saheb.
Haigh, Mr. P. B.
Irving, Mr. Miles.
Jowahir Singh, Sardar Bahadur Sardar.
Kabul Singh Bahadur, Captain.
Keane, Mr. M.
Khin Maung, U
Kirk, Mr. R T F
Mitra, The Honourable Sir Bhupendra Nath.
Muhammad Nawaz Khan, Lieut Sardar.
Murtuza Saheb Bahadur, Maulvi Sayyid
Parsons, Mr. A. A. L
Rainy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed
Ruthnaswamy, Mr M.
Sams, Mr H A
Shah Nawaz, Mian Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Rai Bahadur S. N.
Suhrawardy, Dr A.
Tonkinson, Mr H.
Wright, Mr. W T M
Yakub, Maulvi Muhammad.
Yamin Khan, Mr Muhammad.

The motion was negatived

Mr. President · The question is :

"That clause 1 do stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill

The Title and Preamble were added to the Bill

The Honourable Mr. J. Crerar: Sir, I move that the Bill, as amended, be passed

As the House has already considered the principle of the Bill at length and has twice affirmed its view on the subject, and as the details of the Bill have been considered at length, I do not propose to say anything more in commendation of the motion which I now make

Mr. President: The question is

"That the Bill, as amended, be passed."

Colonel J. D. Crawford (Bengal: European): Mr. President, I feel that this is an issue upon which we Europeans should be very largely influenced by the views of our Hindu and Mussalman friends. We belong to a religion so small in numbers that it is as regards the protagonists in this miserable communal strife—where men hate one another for the love of God—a mere bystander Yet we cannot escape the reactions arising from so much bitterness

The opinion of my group is that this Bill, which is supported—as it seems—by most of the members of both communities and which we welcome as an instalment, is hardly likely to prove adequate to the task. The scurrilous organs which foster communal hatred in this country are already well-prepared to evade the provisions of this Bill We are concentrating our attention on the individuals ostensibly responsible who are made liable to fine or imprisonment or both Now that may have the effect of making editors of reputable papers very cautious in the articles and news they publish, we know that it is the opinion of a number of Members of this House who are Journalists and therefore competent to judge that it may impose a heavy burden on editors who make an error of judgment or whose news-editors make an error of judgment I hope that may not be the case, and I think the wording of the measure, since amendment by the Select Committee "*Deliberately* and *Maliciously*" will have made that danger remote.

But what I am uncertain about is whether the individuals whom this measure is designed to catch—those who with deliberate and malicious intent outrage religious feelings will be caught in the meshes of our net. Those malicious individuals may not be the ostensible editors or proprietors of the paper: they may not ostensibly control its policy.

As a matter of fact it is by no means an uncommon event that the nominal editor of a paper is not the true editor and still more often he does not control the policy of the paper A dummy editor may be paid to run the risk of imprisonment and it may be agreed that his fines are to be paid by the real controlling power Some Honourable Members may say that such cases are not common perhaps they are not, but it is precisely against those exceptional individuals, those few propagators of communal hatred, that this Bill is directed. I know that the average newspaper in India is not edited by a nonentity whose function it is to be ready to go to jail—but then I am glad to think that it is not the average newspaper, pamphlet or book that we are legislating against.

My remedy for this problem is that this Bill should have been or another should be directed against the press itself. The guilty party may be difficult to find, your editorship may be, as I have suggested, nominal; responsibility for the offence may be divided, but your press is

always there. It is my belief that if we provided that the penalty for printing inflammatory propaganda should be the confiscation of the press used, you would make the suppression of this kind of offence simpler and more effective *By a legal fiction and action may be brought for damage against a ship herself for the offence which she is held to have committed : I would treat a press in the same way* I agree that the owner of the press may not in every case be the original conspirator, but you cannot attempt to find, even if it were right to punish, the individual in whose mind the idea first occurred of committing the offence. You will be wise to confine yourself to dealing with the overt act.

3 P.M.

I make this suggestion because I feel that the Government of India is not taking sufficiently active measures to suppress the forces of discord His Excellency the Viceroy made a very fine and a very moving appeal, and I believe that the leaders to whom he then addressed himself are prepared to do their best to bring about that atmosphere of conciliation and compromise which is essential. It is they alone who can—if anyone can—make the right atmosphere for peace. But they are entitled to ask of Government that it shall maintain order and suppress disorder while they are striving to establish the spirit of peace. Suppression is obviously not enough in itself but it is a first essential and is the particular task of Government.

So far from there being at the moment any improvement in the communal situation, it appears to an outsider to be getting worse. Since the Viceroy's recent speech we have had serious riots in Nagpur and Bareilly and Sholapur, in this mornings telegrams I read that the authorities had to take special measures at Ahmedabad and Karachi Until now the trouble has been in the main confined to the towns, but with so much inflammable material lying about it might at any moment spread to the villages I confess to an anxiety lest at any moment a general outbreak may occur involving a whole province, and should that province be anywhere near the Frontier the consequences might be extremely grave

I hope that this suggestion will appeal to the responsible leaders in this House I read that the unity board in Cawnpore proposes to take upon itself the duty of censoring the local papers. Although I can hardly approve on principle to the usurpation of one of the functions of Government by an unauthorised body, however responsible and high-minded, I welcome it as a genuine effort on the part of communal leaders to remove one of the causes and sources of unrest, and I feel that this action on the part of the Cawnpore Board implies a rebuke to the Government of India for not having adopted sterner and severer methods to maintain, or rather I might say, to re-establish that peace in India which is so earnestly desired by all men of good will.

***Maulvi Badi-uz-Zaman** (Bhagalpur Division · Muhammadan) : Sir, I thank you for this opportunity I have listened to the speeches delivered by the Honourable Members of this House but I have not found any cogent reason against the passing of this Bill. Some Honourable Hindu Members do not want the Bill because it is the result of a demand on the part of Muhammadans (*An Honourable Member* : " That is not so.") That was apparent from the speech delivered by my Honourable friend Mr. Amar Nath Dutt, and some others characterised it as a Muslim Bill. But my submission is that this Bill is not a Muslim Bill. It seeks to protect

* Speech not corrected by the Honourable Member.

[Maulvi Badi-uz-Zaman.]

the honour not only of Islam but of all other religions also, and it is therefore a protection for all communities and not for the Muhammadans only. Therefore, I think that this argument has no foundation; I am rather inclined to think that it is a wholly sentimental argument inspired by communal bias.

Then, Sir, some Honourable Hindu Members of the House, who support the decision of the Lahore High Court as delivered by Justice Dalip Singh, are of opinion that the existing law is inadequate to deal with cases of the nature with reference to which this Bill is being passed. I do not understand this mentality. If the existing law is inadequate then it is all the more necessary that another law ought to be passed to deal with such cases. Sir, I share the view of some Honourable Members who are of opinion that the existing law would be quite adequate but for the curious judgment of the Lahore High Court in the case of Rajpal delivered by Justice Dalip Singh.

Then, Sir, it has been said that the proposed measure tends to affect the liberty of the Press. I do not understand how it affects the liberty of the Press. The scope of the Bill has been sufficiently narrowed down in the Select Committee and it now gives fair and adequate protection to fair criticism There must be some limit to the liberty we can allow. If the liberty of the Press results in dishonest and mischievous activities, if the Press does anything wrong, if it dishonestly or maliciously attacks any religion or the founders or saints thereof, there is no reason why the press should not be punished. Sir, if villification of the Prophet and other sacred personages means fair criticism I would not tolerate it to that extent. But I submit that that is not fair criticism but a vicious and abominable crime which must be stopped at once.

Sir, the object of this legislation is to deter dishonest and malicious attacks on religion and religious beliefs which may lead to serious consequences. Therefore, in view of the serious situation which has been created in the country I think it is the duty of the House to pass the Bill without further delay. With these remarks, Sir, I support the motion of the Honourable the Home Member that the Bill be passed. (Applause.)

Khan Bahadur Makhdum Syed Rajan Bakhsh Shah (South-West Punjab: Muhammadan): Delivered a speech in Urdu, a translation of which will be published as an Appendix to the proceedings of the 20th September 1927.

Mr Gaya Prasad Singh (Muzaffarpur *cum* Champaran Non-Muhammadan): Sir, I do not want to give a silent vote on this Bill. At the outset, I must make my position perfectly clear, by stating that as a true Hindu I am opposed to any scurrilous speech or writing being indulged in by the followers of one faith against the founder or holy personage of any other faith or religion. It pains me, Sir, to see that a man professing the same religion which I hold so dear to myself, should have so far lapsed from his sense of culture as to revile the founder of Islam. In this connection, I have no hesitation in endorsing whole heartedly the Resolution which was passed by the Working Committee of the Hindu Mahasabha at Benares in August last. The Resolution was as follows:

"The Working Committee of the Hindu Mahasabha strongly condemns the attacks made by followers of one religion on Avatars, prophets, founders and objects of worship or reverence of another religion, and calls upon leaders of public opinion of all

communities and well-wishers of the country to use their influence to discourage such attacks and prevent their circulation to the full extent of their power. The Committee wishes to draw the attention of all concerned to the fact that a person who attacks either a religion or any outstanding personality connected with the religion sets an evil example and provokes counter-attacks upon his own religion or religious heads."

Sir, I should also like to refer to the statement which was made by Rajpal when he came to know that the feelings of our Muhammadan friends had been greatly outraged by his pamphlet. This is what he said :

"If any words of mine can soothe the feelings of my Moslem brethren, I assure them that I respect their sentiments no less than I do mine I have no idea of bringing out another edition of the *Rangila Rasul*, even though the law does not stand in the way of my doing so. In fact I stopped selling it as soon as I was told that some Moslems felt offended at its publication. This was done before any action was taken or even contemplated by Government "

Sir, it will be conceded that this was the only honourable course left to the author of the pamphlet to undo his mischief, and it ought to have been accepted by our Moslem friends. But a spirit of vindictiveness was abroad ; and an agitation was set afoot whose virulence did not spare even the Bench of the Punjab High Court. (*An Honourable Member* : "No, no "). Mr. Justice Dalip Singh came in for a good deal of adverse and undeserved criticism for having done what he conceived to be his duty according to the light of his judicial conscience.

Sir, the Bill as it was originally introduced by Government was a very unacceptable measure, and I am surprised to see that some of the non-official leaders in this House should have given their unstinted support to it even in that form. But I gladly recognize that the Bill as it has emerged out of the Select Committee is shorn of much of its objectionable features There are, however, still one or two points in it which I am unable to accept. The Bill creates a new offence, and acts as a menace to the liberty of thought and expression Its net is cast too wide, and it may also include within its scope many innocent men, such as the printer or publisher of a pamphlet. Sir, I will refer to one quotation from the *Statesman* of Calcutta, which in its issue dated 9th September speaks as follows :

"No measure more out of harmony with the Viceroy's speech, none more difficult to justify in the light of modern thought, could well be placed on the Statute-book The plain fact is that the Government has lost its head in face of a riotous agitation, and has been followed in that course by a hasty Assembly, which in this matter is plainly misrepresenting any Indian opinion that finds voice in the most influential organs of the native owned Press It would be a tragedy without measure if at the beginnings of popular government in India, the Legislatures, under the encouragement of the Government, were to use their powers to suppress liberty of thought, speech and writing, and were to crowd the Penal Code with new offences conceived in the spirit of the Spanish Inquisition "

Sir, these are not my words. I regret that the amendment to make it a temporary measure, to remain in force for a limited time, say three years, has failed. The present phase of communal trouble which gives rise to such writings or speeches may be, after all, a passing phase. It may be followed, as we all hope and trust, by an era of peace and good will. (Applause). I am opposed, Sir, to the permanent retention of this measure on the Statute-book. I also do not agree with the provision that the offence should be made non-bailable, and the right to initiate proceed-

[Mr. Gaya Prasad Singh.]

ings should rest exclusively with the Government; *for in the words of* my Honourable friend Mr. Kelkar in his minute of dissent :

"some sections of society who are less clamorous and turbulent are likely to be denied the use of the remedy under this Bill, and their virtue may be penalized, though they would be equally entitled to judicial relief with any other section of the society."

I am afraid, Sir, that this power is likely to be abused ; and in actual practice, it is neither the Hindus nor the Muhammadans that are likely to benefit, but the Christian missionaries who vilify both the Hindu and the Muhammadan religions and their holy personages in unmeasured terms with impunity (cries of "No, no").

With these few words, I beg to oppose the passage of this Bill.

Maulvi Abdul Matin Chaudhury (Assam : Muhammadan) : I rise, Sir, not to discuss the merits or the demerits of this Bill, but to condemn the manner in which certain amendments have been moved in this House. One particular Member in trying to make an exhibition of his sense of humour or the want of it, did not spare even what he referred to as "the Prophet of the Muhammadans." This fling at the Prophet, this attempt at buffoonery at his expense, reveals a mentality which is, to say the least, most deplorable. It betrays a taste which is more reminiscent of slums and gutters than of decent society.

Mr. President : Order, order. We are dealing with the Bill, not with the particular Member.

Mr. Amar Nath Dutt : Let him have his full say.

Mr. President : If the cap fits the Honourable Member he might wear it.

Maulvi Abdul Matin Chaudhury : Sir, it is a matter of gratification that this House treated these vapourings with the contempt that they deserved. But, Sir, I would say at the same time that it is a shame and disgrace that the President of the Congress, for whose fairness and sense of justice I have got the highest respect and admiration, should have permitted a Member of his Party to move an amendment like that. It is a pity that it escaped your vigilant eye, Sir.

Munshi Iswar Saran (Lucknow Division : Non-Muhammadan Rural) : Sir, I do not wish to speak about this Bill from the ......

Mr. President : Then, the Honourable Member need not rise. It is the Bill that is under consideration. The Honourable Member said that he does not wish to speak on this Bill ; if that is his position, he need not rise.

Munshi Iswar Saran : May I say, with the most profound respect, that if I had been allowed to complete the sentence, the Chair would not have been put to the inconvenience of getting up to reprimand me. (Laughter.)

Sir, I do not wish to speak about this Bill from the point of view either of a Hindu or of a Muhammadan. Unfortunately the issues have been clouded and a great deal of heat has been introduced into this controversy. When you will find this Act on the Statute-book it will have to be administered against a Hindu, against a Muhammadan, against a

Christian, against a Parsee. The religion of the person will not matter ; what will matter will be the offence that will be committed by him.

Before I proceed further, I wish to say that there was one remark of the Honourable the Home Member which I was unable to understand. The Honourable the Home Member, in his speech which was more short than sweet, said that the House having accepted the principle of this Bill on two occasions it should now pass it. I venture to think that he referred to the reference of this Bill to the Select Committee and then he referred to the question that the Bill be taken into consideration Both these propositions having been accepted by the House, the Honourable the Home Member has told us—and we have to accept his authority, because his authority is great—that we cannot after that reject the Bill. Are we to understand, Sir, that if a Bill is referred to a Select Committee and if after that it is taken into consideration, the House then is divested of its right to reject it ? (*Some Honourable Members*. "No".)

Mr. President : The Honourable the Home Member is not entitled to lay down the law on the subject. The Honourable Member is perfectly entitled to oppose the Bill

Munshi Iswar Saran : If I had not made this submission, we would not have been fortunate to get this authoritative ruling from the Chair (Laughter)

Sir, Colonel Crawford spoke on behalf of the European community ; he might have disappointed anybody else, but he did not disappoint me. What Colonel Crawford said was "We want more stern measures in order to maintain peace in this country." If Colonel Crawford and others of his way of thinking had their own way, I suppose we would have "martial law and no d——d nonsense" Colonel Crawford represents that class and it is very good that from time to time he reminds us of the existence of his class in this country.

Mr. K. Ahmed : Does not the country require him and his class ?

Munshi Iswar Saran : My country may not require him, but my Honourable friend Mr Kabeer-ud-Din Ahmed does. Colonel Crawford unconsciously supported those of us who are not enthusiastic about this Bill He said in effect, "Yes, the honest editor, the cautious editor, may have very good cause to fear the consequences of this measure, but as far as the dummy editors are concerned, the men who are put up for a few rupees to insult either this religion or that, will remain untouched". I submit, Sir, that is exactly the position which we take. What I submit is that a man who is deliberately out to insult any religion or to insult any religious teacher, would not care very much for the measures that the House is about to pass to-day. It is only the expression of honest opinion on religious questions which in my humble opinion will be greatly hampered by the existence of this measure on the Statute-book. If you will be pleased, Sir, to refer to the law in England you will find that it has undergone various changes, and now it has been authoritatively held in England in a case which is reported in 48 Law Times at page 739, the name of the case being Rex v Ramsey and Foote, where Lord Coleridge distinctly laid down this rule .

"If the decencies of controversy are observed, even the fundamentals of religion may be attacked without a person being guilty of blasphemous libel."

[Munshi Iswar Saran.]

I submit, Sir, that we shall only get the true perspective of this Bill if we divest our minds of a great deal of prejudice that has been created. It is not a Hindu attacking a Muhammadan or a Muhammadan attacking a Hindu I shall ask the House to bear in mind the case of a Hindu expressing views about the faith of the vast majority of his own co-religionists. Take, for instance, the case of an Arya Samajist who attacks idol worship. His attack may be right or it may be wrong. Please do not imagine that this measure will come into operation only when the trouble is between one religion and another This Bill may come into operation even when a man of the same religion expresses views about certain doctrines with which he does not agree Taking the Muhammadan religion, there are certain Muhammadan dissenters who may express views which may be unpalatable to the vast majority of their co-religionists What will happen then? Take the Shiahs and the Sunnis I submit to this House with all respect that this question has to be looked at not from the point of view of the Hindu religion or the Muhammadan religion. It should be remembered that it is a piece of legislation which is being enacted and which will apply not only when there is a question between a Hindu *v.* a Muhammadan or *vice versa*, but which will apply to any case where there is attack on any religion, either by a man who professes that religion or some other religion The House will notice that this measure has been disapproved of not only by Hindus—unfortunately it has become a Hindu-Muhammadan question—but even by non-Hindus, by Christians and by those who cannot be accused of any Hindu bias. Now, if you accept the submission which I have made, then I venture to hope that the House will agree with me that this is a very severe, a very drastic—I shall not use a stronger word—measure which is being put on the Statute-book.

Take, now, Sir, the provision that the Select Committee rightly incorporated in one of the clauses, namely, that this was a bailable offence. The House has made it non-bailable It is rather difficult to understand the distinction between this measure and section 295 of the Indian Penal Code I submit that if you look at it dispassionately, not from the point of view of a Muhammadan or a Hindu or from the point of view of a partisan, you will find that in substance there is no difference between the two provisions. Section 295 of the Indian Penal Code runs as follows :

"Whoever destroys, damages or defiles any place of worship or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both "

This is a bailable offence. As I have already submitted, there is no difference in principle between the two offences

I shall only express the hope that very soon our feelings will become normal and we shall bring in a measure not to amend but to remove this objectionable measure from the Statute-book. And I do sincerely hope that the Local Governments will administer this measure in the spirit in which it ought to be administered. I do also hope that my Honourable friend Mr. Neogy's apprehensions that Local Governments will not be guided by just considerations will prove unfounded.

Mr. K. C. Neogy : They have not been in the past !

Munshi Iswar Saran : I do hope that Local Governments will hold the balance even and will see that prosecutions are very seldom launched under this Act, because it has to be remembered that in order that our thought may advance and in order that there may be no impediment to the progress of religious ideas, there should be no bar on free thought and discussion It will be useful if this measure will be used as sparingly as possible

Mr. T. Prakasam (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, I rise to oppose the passing of this Bill. At the very outset I may say that the opposition to this Bill is not with a view to prevent redress which my Muhammadan brethren are anxious to get by way of punishing those who had attacked in the past the Muhammadan religion or the founder of the religion, the Prophet If, as I thought, the object of the Bill was to give redress by way of providing penalties against such attacks, I should have expected the Government to make the provisions of this Bill more clear and more definite. They abandoned that course altogether and they have framed a section which applies not only to such specific cases, but to so many other general *bonâ fide* criticisms that might be brought under the Act That is the chief complaint of mine before the House. This is an extraordinary piece of legislation undertaken by the Government, no doubt under difficult circumstances, when communal riots are going on and when they, as well as the leaders of the communities concerned, are anxious to put a stop to these disturbances and bring about a unity between the warring communities.

Now, Sir, there is section 298 of the Indian Penal Code My contention is that that section would have been quite sufficient to bring all the offenders within the clutches of the law and punish them Of course, one of the learned Judges of the High Court of Lahore pointed out that the law was defective as was understood by him My submission is that that learned Judge is one of so many Judges who have erred in interpreting the law. My Honourable friend Mr Kaberuddin Ahmed is always happy and he always laughs I can only point out that section 298 of the Indian Penal Code lays down that whenever anyone deliberately wounds the religious feelings of any person or any class he should be tried and sentenced to one year's imprisonment That is the section (*Official Members* "No") I hear the cries of "No", but perhaps the word "class" is not there I take it, Sir, that the word "religion" is not there, I take it that the word "prophet" or the "founder of any religion" is not to be found in the section But how else can religious feelings of individuals be wounded, if it cannot be done by attacking the religion or the founder himself It is a matter of ordinary common sense with regard to the interpretation of law, one need not know much of law. Whoever attacks a religion or a founder wounds the religious feelings of that society He is guilty under section 298. With regard to that section, my submission is that the Government has been during the last five years, ever since these communal riots started, between the devil and the deep sea. They did not know what to do. Interference in these matters would perhaps make the public feel that they were interfering in religious matters. They were not able to lay their hands upon the provisions of law with courage and approach the matter and get at the offenders and put them on their trial and convict them. As I said on another occasion, these

[Mr T. Prakasam]

communal riots started just at a time when it was very helpful to Government with regard to putting a stop to the great non-co-operation movement. Four years have elapsed now. Day after day, month after month, year after year, there have been riots, but what steps had been taken with regard to prosecutions under section 298 or section 153A of the Indian Penal Code ?

Sir, no doubt prosecutions have been launched under the general provisions of riot, murder and other offences, and people had been sentenced. Not one step had been taken by the Government with regard to this matter of wounding religious feelings at least to the extent to which they could have gone. Of course, the question of insulting the Prophet came only very recently, and I do not say that they were not justified in attempting to remedy the defect in the law as was pointed out. But the law as it stands has been quite sufficient to meet these cases also. Now, what is it that they have marked out in new section 295A ? They have added the word " religion ", they have added the word " class ". The singular includes the plural in law Now, by merely adding the word " religion " or the word " class ", you have not in any way improved the position at all. Again, Sir, the Select Committee, on which many of my distinguished friends sat, have added the two words before the word " intention ", namely, " deliberately and maliciously ". I spent a good part of my life in the jugglery of the law in the law courts The word " intention " is a plain honest word Whoever intends to commit a crime comes within the purview of the law The words " deliberately intends with malicious intention " are added What is " malice " ? Where is it defined ? You have to go back only to civil law to know what is meant by " malicious ". " Constructive malice ", " legal malice ", " actual malice " and all sorts of speculation have been gone through by the learned Judges who were called upon to interpret that word and any indirect motive was held to constitute a malice. How does it make any difference from intention, I am not able to understand. I do not understand the difference between intention and deliberate intention. Having made that provision, they satisfied themselves that this section would cover only those cases where a prophet is attacked or a religion is attacked, maliciously and deliberately with dishonest intention. My submission is that it is not only such class of cases that would be brought within the mischief of this section. From my 25 years' experience as an advocate or pleader, I could tell you that so much mischief was done on the interpretation that was put by the great, great judges or learned advocates like my Honourable friend Mr. S. Srinivasa Iyengar on the word " intention ". How many people had been hanged, how many innocent people had been hanged—(Laughter)—how many guilty persons had been acquitted ?

Mr S. Srinivasa Iyengar (Madras City : Non-Muhammadan Urban) : On a point of personal explanation, Sir I never had to construe the meaning of the word " intention " in any case.

Mr T. Prakasam : I did not mean any offence to my leader. I thought he would take it in the spirit in which I mentioned it.

Mr. S Srinivasa Iyengar : I never had to appear in that class of cases where it was necessary to construe the meaning of the word " intention "

Mr. T. Prakasam: As has been pointed out by my Honourable friend who spoke before me, this section might apply to so many other classes of offences, not as between Hindus and Mussalmans alone, but it may be as between Hindus and the Christian missionaries. Allow me to tell the Honourable Members of this House that in the hamlet of one village in one of my districts nearly as many as 300 people who belonged to the *panchama* class and who formed all the population of that hamlet had been converted in one moment by one Christian missionary. Conversions to Christianity are going on on a very large scale in the southern part of India. May I point out to my Honourable Mussalman friends, who seem to be labouring under a misapprehension, that they are very much mistaken in thinking that those of us who are opposing this measure are having any idea against their own beliefs or ideas? That is not so. This section is a very mischievous measure As this measure is worked out in future—I only hope I will live to see it—you will find that this section will be applied in a most mischievous manner as regards the granting of sanctions for prosecution and with regard to prosecution itself.

Mr K. Ahmed: You can amend the Act later on.

Mr T Prakasam: My Honourable friend says we can amend this Act later on We are all sent here to legislate laws for our countrymen Why not prevent instead of amending? I hope my Honourable friend will be able to amend the law before it is too late I submit that this is a measure which would apply not only as between Hindus and Mussalmans, as is very much misunderstood now, but it would also apply to every other community. Who are the persons after all that would accord sanction for prosecution? There was an amending clause tabled here that the authority to accord sanction for prosecution should not vest solely in Government That was voted down. Who are the persons that grant sanctions generally? We know who would be approached in Local Governments for sanction to prosecute Who is the officer approached? What is the judgment of that officer? Again, Sir, who are the Judges that hear these cases? In India, one cannot say that a Hindu would be a Judge to hear disputes relating to Hindus alone. When communal differences and dissensions arise, when prosecutions are started under the existing law, an Englishman might be the Judge, a Hindu might be the Judge, a Mussalman might be the Judge, a Christian might be the Judge or a person belonging to any other community might be the Judge What is it that this Judge can possibly understand with regard to these disputes as between two different religions? The Judge belongs only to one faith, one religion It would be very difficult for the Judge to decide aright. If it is a bailable offence or if it is an offence which is compoundable, it will be a matter as between the communities affected Certainly there must be a prosecution If there is no provision in the law for compounding there will necessarily be a conviction But my submission is that it must be left to the leaders of the communities ultimately to decide whether it is a case in which the man should be convicted or whether the matter should be adjusted between the communities themselves I suggest this course because it is a matter which relates to criticism against a religion or against religious feelings of any particular individual or the founder of a religion

Mr. K. Ahmed: In the meantime we will murder each other

Mr. T. Prakasam : As regards killing each other, my Honourable friend has been on very safe ground. He has never killed another, nor has he got himself killed. He has never been in the fighting line where these riots take place. He has never given one blow, nor has he received any. According to my conception, the manner in which these riots should have been approached by ourselves or by the Government is quite different. According to me, at the very first instant of an outbreak of a riot, the Government or the leaders should jump into the breach and should take the necessary steps to put a stop to the whole thing. They must also attempt to settle disputes from time to time If only the Government had done this, there would have been no trouble at all You will pardon me, Sir, when I refer to the incident at Multan where you were also present. You were present at that time when the first riot occurred. You went from door to door, you yourself heard the tales of woe narrated by some of the ladies from within closed doors. What happened in Multan ? My Honourable friend Pandit Madan Mohan Malaviya and my friend Hakim Ajmal Khan went to Multan and tried their best to bring about a compromise in the first instance. All of us were present at the first trip. But the second time when they were there with a view to bring about a settlement between the Hindus and Mussalmans, who was responsible for not allowing that to be done ? It was one of the Government officers who was responsible for the break down. They were prevented from bringing about a compromise. That was the first attempt in which they failed. Since then so many riots have occurred. Sir, I would like to point out that these riots, these disturbances, could have been quelled completely if the Government had had a heart and if the Government had had a soul and had jumped into the breach between the two communities and had done their best to give relief to those who suffered and endeavoured to settle the differences. What suffering there was, what losses there were ! And what redress was given by the Government by way at least of temporary relief to those who had suffered ? Nothing has been done up till now, and that is why I submit the question of disturbances ought to be approached both by the Government and by the leaders of the country in quite a different spirit. I now see after living to this stage that the Government have at last realised their past error and that they are anxious to bring about a better state of things. Anything that they do will be welcome in the country and also by the leaders of the communities who have been so anxious to give full co-operation to the Government with regard to these matters Therefore, Sir, this measure is unnecessary. It really interferes with the freedom of speech, with the freedom of the Press, with the liberty of person and the liberty of property also. That has been pointed out by my Honourable friend Mr. K C. Roy, but because it is a journalist's opinion it was considered not to be of sufficient importance And my Honourable friend Colonel Crawford wants to have another piece of legislation specially against the Press. Well, I have been in charge of a press also during the last 6 years and I know what trouble we are having even without your Acts and your legislation, without these prosecutions. What trouble are we having even to-day ? The press which I control is under the ban of the Madras Government even now. It is no good your enacting a provision which will cover the whole ground and bring about the prosecution of innocent people. I do not charge the heads of Government for all these prosecutions I may say at once it is not the Governor, the Viceroy or the Honourable the Home Member that would be directly

responsible for these prosecutions. We know who gives those opinions, how that gets the seal of the Government and the whole prosecution is started under the authority and in the dignified name of the State. and how poor individuals have to go through it all, and it is very rarely that a person escapes at the hands of the Magistrate or the Judge under the present constitution and the system of government in this country So, Sir, I oppose the passing of this measure.

Sir Hari Singh Gour: I cannot permit this measure to pass out of our hands without informing this House as to the very great constitutional change that this law embodies. Frequent references have been made on both sides of the House, by the Honourable the Home Member in his opening speech as well as by Honourable Members on this side of the House, to the English law of blasphemy and blasphemous libel; but may I remind the Honourable the Home Member and the Honourable Members who have followed suit that the English law cannot be compared to the Indian law, because under the English law the King is the Defender of the Faith and under the Established Church it is the duty of King and Parliament to protect the Protestant Church, and all the laws that have been made with that object in view? But is that the position of the Government of India? Are the Government of India the defender of the faith or of any faith in this country? I submit, Sir, they are the defender of peace and not the defender of faith, and consequently the law that they are entitled to enact should have been directed against the breach of public peace.

Even in England with the growth of the Constitution and the multiplication of the dissenting sects the English law, which was originally intended to protect the Protestant Church, has been widened so as to protect the people against cracking each other's heads In the numerous Statutes which Honourable Members will find regulating the course of religious debates in England, all that the English law aims at at the present moment is the preservation of public peace. I have in my hand, Sir, a reference to no less than eight English Statutes, and what is the summary of them all? The summary of them all is that these Statutes have all been enacted with the object of preventing disturbances in churches, disturbing dissenting congregations, obstructing or assaulting a clergyman or other minister in the discharge of his duties, protecting church windows, and quarrelling, chiding or brawling, smiting or laying violent hands on a consecrated place That is the present English law. My submission, therefore, is that when the Honourable the Home Member refers to the English law in support of this Bill, I submit he is referring first of all to a wrong system of law because that law is radically inapplicable to the Indian constitution, and in the second place, even if it were to furnish any analogy for the enactment of a law in this country, that law is now limited and confined to the preservation of public peace. If, Sir, the Honourable the Home Member had come here with a Bill to preserve the public peace in matters religious and spiritual, I am perfectly certain that this side of the House would not have offered the opposition at every stage to which this Bill has been subjected. Sir, I regret that the Honourable the Home Member did not think it right to add a small clause to section 108 of the Criminal Procedure Code which deals with cognate offences We have there the offence of sedition, that is, seditious libel. We have there an offence punishable under section

(*Several Honourable Members* : "Let the question be now put".)

Mr. K. C. Roy (Bengal : Nominated Non-Official) : I shall not detain the House longer than two minutes and I shall give an early opportunity to the House to put the last motion to the vote. Before you do so, I wish to correct an erroneous impression which was created in this House by certain observations made by my Honourable friend, Mr. Farookhi. Mr. Farookhi told the House that the Urdu Press was unanimous in support of the Bill That is not quite a correct statement. I will give you one or two examples from the Urdu Press to prove my statement The Urdu Press in Northern India is divided into two sections, one controlled by the Mussalman leaders and another controlled by the Hindus I ..

Mr. Abdul Latif Sahib Farookhi (North Madras · Muhammadan) : I did not say Urdu Press ; I said the Mussalman Press.

Mr. K. C Roy : I will take the Mussalman Press first. The *Siasat* says ·

"The proposed Bill will give endless disputes not only among the various communities in India but among the various sects of a single community".

I shall give you another paper. The *Inqilab* says :

"The drafts of the new law that we have seen are all absurd and will bring to the country calamities which were not brought by any other law excepting perhaps the Press Act"

I will not cite the Urdu Press run by the Hindus or the Sikh Press run by the Sikhs The Sikh Press in particular is very anxious that the right of initiation of a case should be vested in the communities and individuals along with Government. I congratulate the House on not accepting the amendment of my Honourable friend Mr Bhargava. If that amendment had been accepted, it would have been impossible to run any press or newspaper, particularly, the big Anglo-Indian papers. Now, Sir, this Bill has been piloted with the help of my Muhammadan friends. I am glad they have honestly voted with the Government. (*Mr. Yamin Khan* : Also Hindu Members) I am giving my views You can give yours. But, Sir, there is a very large and influential section of Moslem opinion which does not share the views of the Muslim Members of this House. I have received numerous telegrams and letters One which I value most is a telegram which I have received from the Honourable the Maharaja of Mahmudabad. Every Muslim in this House knows the service he has rendered to the Muslim community and to the country at large I oppose the Bill

The Honourable Mr. J. Crerar · Sir, an Honourable Member opposite reproved me on a ground which I think was not entirely just. He reproved me for not making a longer speech and he reproved me for suggesting that this House was not at perfect liberty to vote as it pleased on this motion. That, Sir, is not what I said. What I said was that the House has already affirmed the principle of the Bill on two occasions, and that consequently it was unnecessary for me to deal with that matter at very great length ; and in truth the course of the debate

this afternoon on this motion has added little to what was already before the House. Most diverse criticisms have been made on this Bill. In some quarters it has been represented as an extremely drastic measure. Mr. K. C. Roy in his first speech quoted, I think, the opinion of some person with whom he had been discussing the matter—that the Bill went to the Select Committee as a small thing and emerged as nothing. Well, the Bill can hardly be a very formidable measure and nullity at the same time. Government have been accused of doing things which they ought not to do and of not doing things which they ought to do. My Honourable and learned friend on the opposite side, Mr. Prakasam, has argued that section 298 of the Indian Penal Code amply covered all possible cases of that kind. Now, Sir, I venture to reply that I am in disagreement with that opinion. Section 298 would not as a matter of fact cover the cases which we wish to cover by this Bill I will not follow the Honourable gentleman's argument further. I will only say that another Honourable Member, the leader of his party, found it unintelligible and I may be pardoned for finding it equally unintelligible. What I would like to remind the House is that the issue before it which has been somewhat clouded in the course of the debate is really very simple. The real issue is this—if you have a scurrilous and deliberate insult to religion or religious beliefs, can it be directly penalised under the existing law ? It cannot be directly penalised under the existing law and the object of the Bill is, as pointed out, to make deliberate and malicious and scurrilous insult to religion a substantive matter. I venture to say that the grave apprehensions that have been expressed as to the comprehensiveness of this Bill, as to the character of the actions, by speech or writing, which can conceivably come under this Bill, have been greatly exaggerated Indeed I am myself somewhat inclined to believe that the language of the amended Bill is in some respects too narrow, though on that subject I am prepared to accept the verdict of the House. But, Sir, before I sit down there is one appeal which I wish to make to the House It has been suggested that this Bill has been directed either to placate or to penalise particular interests It has been suggested that particular interests are liable to be specially penalised by this Bill. I appeal to the House to look at this Bill, its intention and its consequences without any sectarian consideration whatsoever The Bill is universal in its application It will not penalise nor will it carry any special advantage to any one community as distinct from any other The intention of the Government in bringing forward the measure is to do something, however inadequate, to deal with, at any rate, one aspect of what every one agrees is a very grave and serious problem. It has been suggested that this Bill does not really go to the roots of the matter. No one ever contended that the Bill really goes to the roots of the matter. It is obvious that moral remedies must be more potent and penetrating in this matter than any legal remedies, but that is no reason why we should refrain from adopting such legal remedies as are in our reach. In moving this motion, that is what I am asking the House to do.

Mr. President The question is

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, as reported by the Select Committee, and as amended, be passed."

Kumar Ganganand Sinha (Bhagalpur, Purnea and the Santhal Parganas : Non-Muhammadan) : Sir, I beg to move :

"That the Select Committee to which the Bill to regulate marriages of children amongst the Hindus was referred do consist of the following persons, namely : Lala Lajpat Rai, Mr M R. Jayakar, Mr. M A. Jinnah, Maulvi Muhammad Yakub, Colonel H. A J. Gidney, Pandit Madan Mohan Malaviya, Lala Rang Behari Lall, Sir Hari Singh Gour, Mr K C. Roy, Mr W A Cosgrave, Rai Sahib Harbilas Sarda, the Honourable Mr J. Crerar, Diwan Chaman Lall, Mr. Srinivasa Iyengar, Mr M. Ruthnaswamy, Dr Moonje and the Mover; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be seven"

The motion was adopted

THE ADEN CIVIL AND CRIMINAL JUSTICE (HIGH COURT JURISDICTION AMENDMENT) BILL.

Sir Denys Bray (Foreign Secretary) : Sir, I beg to move that the Bill further to amend the Aden Civil and Criminal Justice Act, 1864, in order to make further provision for the jurisdiction thereunder of the High Court of Judicature at Bombay, as passed by the Council of State, be taken into consideration.

Sir, in this Bill we seek to put the finishing touches to the judicial reforms we have recently been introducing into Aden We began some months back by appointing to Aden a Bombay civilian of standing and considerable judicial experience as District and Sessions Judge A further step forward was made by the passing in the Bombay Legislative Council of a Bill amending the Aden Civil and Criminal Justice Act, 1864. The main purpose of the Act that was passed in the Bombay Council was the virtual transfer of the judicial administration at Aden from the Resident to the Judicial Assistant. Under that Act the Judicial Assistant is empowered to exercise all the powers that are exercisable by the Resident. In this Bill, Sir, we seek to make provision for appeals to the High Court of Bombay I may simply emphasise two things. First, the provisions in this Bill were framed by a Select Committee of the Bombay Legislative Council They sought indeed to introduce these provisions in their own Bill, but they were found to be *ultra vires*. The provisions before us have, moreover, the backing not only of the Bombay Government but also the general support of the High Court of Bombay.

***Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, I do not want to make a speech but I want certain information in respect of one or two points either from my Honourable friend Sir Denys Bray, or the Finance Member. Sir, this Bill refers to certain legislative measures, but what I understood during the last Budget Session was that India has to pay £250,000 to the British Government and that India has no further commitments with regard to Aden I would like to know whether we have still any executive or administrative responsibilities in connection with Aden, and whether we have any financial commitments either in the matter of administration or judicial administration or in any other directions, such as railways, and so forth, and whether India is committed to any further expenditure.

Sir Denys Bray : Sir, I fail to see myself how this question arises out of the Bill before the House. But I may say in a word that Aden

*Speech not corrected by the Honourable Member.

remains part of India ; that is to say, the Aden settlement proper remains as much a part of India as it did before. India is responsible for everything on the civil side connected with the actual settlement of Aden—administratively, executively, judicially and in respect of everything else I can think of. What has been transferred from India is merely the political arrangements connected with the Aden hinterland, the Aden protectorate, and the various political commitments that arise from and through the protectorate. Similarly, India has been relieved of the external defence of Aden, and it is for this purpose, and in consideration of the fact that His Majesty's Government have taken on the defence of Aden, that India naturally has to make a contribution towards the defence of Aden. Perhaps I may add this , that the settlement in respect of Aden that has been arrived at is the settlement which was placed before the Inchcape Committee, and which that Committee enjoined on me as Foreign Secretary to promote.

"This solution would in our opinion have several advantages and we recommend that it be examined with a view to its adoption ".

The solution that has actually been adopted is the solution which earned this warm commendation from the Inchcape Committee.

Mr. B. Das : Sir, may I ask.

Mr. President : Order, order. This is not question time.

The question I have is :

"That the Bill further to amend the Aden Civil and Criminal Justice Act, 1864, in order to make further provision for the jurisdiction thereunder of the High Court of Judicature at Bombay, as passed by the Council of State, be taken into consideration"

The motion was adopted

Clauses 2 and 3 were added to the Bill

Mr. President : Clause 4

Mr. S. Srinivasa Iyengar (Madras City Non-Muhammadan Urban): I should like to know, Sir, whether the Bombay High Court will have power of revision in respect of those cases in which there is no right of criminal appeal.

Sir Denys Bray : Sir, the present provisions still stand, that is to say, the provisions of section 29 of the Aden Civil and Criminal Justice Act, 1864 It will still be at the discretion of the Resident to reserve any point or points of law for the opinion of the said High Court in criminal cases which are not covered by appeals.

Mr. S. Srinivasa Iyengar : What about the power of revision of the High Court ?

Mr. President : Order, order.

The question is :

"That clause 4 do stand part of the Bill"

The motion was adopted.

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill

Sir Denys Bray : Sir, I move that the Bill, as passed by the Council of State, be passed

The motion was adopted.

THE INLAND BONDED WAREHOUSES (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I move for leave to introduce a Bill further to amend the Inland Bonded Warehouses Act, 1896, for certain purposes.

The purposes for which this Bill is introduced are fully given in the Statement of Objects and Reasons, and I confine myself to making my motion.

The motion was adopted.

The Honourable Sir Basil Blackett : Sir, I introduce the Bill

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THE INDIAN DIVORCE (SECOND AMENDMENT) BILL.

The Honourable Mr. J. Crerar (Home Member) Sir, I move that the Bill further to amend the Indian Divorce Act for a certain purpose, as passed by the Council of State, be taken into consideration

In making this motion I hope I shall have the support of my Honourable friend, Sir Hari Singh Gour, because as a matter of fact it is largely due to his representations that this Bill has been submitted to the House. The point is a short one. While the House was engaged in discussing an earlier Bill to amend the Indian Divorce Act, it was pointed out by Sir Hari Singh Gour that the Indian Christian Marriage Act, which was passed about three years after the Indian Divorce Act itself was passed, permits of valid marriages being contracted between Christians and non-Christians On the other hand, the Indian Divorce Act as it stands permits no relief to be granted except when the petitioner is a Christian Sir Hari Singh Gour pointed out that that was in itself anomalous and that as a matter of fact a good many cases of hardship have occurred. He pointed out that it would be an equitable provision that relief should be granted under the Indian Divorce Act where either the petitioner or the respondent is a Christian This will be the effect of the present Bill, which I ask the House to take into consideration.

The motion was adopted.

Clause 2 was added to the Bill

Clause 1 was added to the Bill

The Title and Preamble were added to the Bill.

The Honourable Mr. J. Crerar : Sir, I move that the Bill further to amend the Indian Divorce Act for a certain purpose, as passed by the Council of State, be passed.

The motion was adopted.

THE ASSAM LABOUR AND EMIGRATION (AMENDMENT) BILL.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I beg to move that the Bill further to amend the Assam Labour and Emigration Act, 1901, for certain purposes, as passed by the Council of State, be taken into consideration.

This is a very simple Bill of a purely formal character. Our reasons for bringing it before the Legislature have been fully explained in the Statement of Objects and Reasons, and it is hardly necessary for me to add anything to what has been stated therein. In short, some doubt has been expressed recently whether we had any legal authority to collect certain cesses which in fact have been collected ever since 1915 from employers in the tea industry for the purpose of the Assam Labour Board, and we want to regularise the position That is the sole object of the Bill.

Sir, I move

Mr. N. M Joshi (Nominated : Labour Interests) : Sir, I do not wish to make a long speech, except to say that Government have neglected the amendment of this old Act for a very long time. When they decided to amend the Assam Labour and Emigration Act, I think they ought to have amended the whole Act and brought it up to date. That Act requires modification in various respects for the protection of the workers on the tea plantations of Assam I hope, Sir, that Government will not be satisfied with this Bill in which the workers of Assam are not very much interested, but they will soon bring forward a Bill to amend the Assam Emigration Act, which is now a very old and obsolete Act.

Mr. President . The Honourable Member has got the power to do so.

The question is ·

"That the Bill further to amend the Assam Labour and Emigration Act, 1901, for certain purposes, as passed by the Council of State, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Bhupendra Nath Mitra : Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

RESOLUTION *RE* RATIFICATION OF THE DRAFT CONVENTIONS CONCERNING (1) SEAMEN'S ARTICLES OF AGREEMENT, AND (2) REPATRIATION OF SEAMEN.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I beg to move the following Resolution :

"This Assembly recommends to the Governor General in Council that the question of the ratification of the Draft Conventions concerning—

(1) Seamen's Articles of Agreement, and

(2) The Repatriation of Seamen,

adopted by the General Conference of the International Labour Organisation of the League of Nations at its Ninth Session held at Geneva from the 7th to the 24th June

[Mr. N. M. Joshi.]

be ratified, they promised to appoint a Committee. They appointed a Committee and the Committee found that there was much bribery in the work of recruiting the seamen. The Committee also made certain recommendations, but the Government of India have not yet carried out any of those recommendations

Sir, I shall give you another instance. The Government of India promised to make an inquiry as to whether the amendment of the law was necessary in order to provide compensation to workmen whose contract of service was terminated on account of shipwreck. Sir, I have not heard anything about that inquiry and no result has yet followed

Sir, there is another case. The Government of India have ratified certain Conventions They have ratified the Convention regarding the age of admission of children to employment on the sea. They have taken no action to give legislative effect to the Convention. Then, Sir, the Convention that they ratified as regards the age of admission for the work of trimmers and stokers has not yet been given effect to

Mr. President : And yet the Honourable Member wants Government to ratify this particular Convention ?

Mr. N M Joshi : I want to recommend to this House that Government's Resolution should not be accepted because the Government do not deserve .....

Mr. President : The Honourable Member's case is that this Convention should be ratified and curiously enough he argues that Government have not given effect to certain other Conventions after ratifying them.

Mr. N. M. Joshi : That is unfortunately true. But it is to some advantage of the seamen of this country that they should ratify this Convention immediately, so that we can at least go on agitating and telling this House that the Government of India do not keep their word. Now, Sir, the Conventions that they ratified as regards the age of admission for the work of trimmers and stokers and for compulsory medical examination of children have not yet been carried out. Then they had also ratified a Convention......

Mr. President . I fail to understand why the Honourable Member should go on enumerating his grievances regarding other Conventions in speaking to this Resolution which refers to one particular Convention. The conduct of Government in the matter of other Conventions has got absolutely nothing to do with the question which the Honourable Member has raised by his amendment.

Mr. N. M. Joshi : Sir, with your indulgence I wish to bring to the notice of the House that the Government have been indifferent in this matter. It is therefore better that this House should not accept the Resolution of the Government of India and should accept my amendment.

Now, Sir, the conduct of the Government of India as regards this question does not entitle them to ask this House to wait till they bring forward legislation on this subject. The Conventions which we are considering to-day are important from the point of view of Indian seamen. Sir, the first Convention is regarding the agreements of seamen. Now, if this Convention is ratified immediately, Government are bound to give

effect to the terms of that Convention. If they ratify the Convention, the seamen stand to gain in some respects. In the first place, the seamen of our country will gain as regards the continuous certificates given to them at the time of discharge. At present it is possible for the employers to include in the discharge certificate some terms regarding the quality of the work which the seamen do It is a dangerous practice because, if you put in some words in the certificate regarding the quality of the work of the seamen, they are likely to lose This Convention laid down that

5 P.M.

in the continuous discharge certificate no mention should be made of the quality of the work of the seamen. The seamen also have got the right to claim a separate certificate regarding the quality of their work. Then the Convention also gives the right to the seamen to get their pay when they get discharged before the termination of their contract if they provide a substitute There are several other smaller items in which seamen stand to gain by the ratification of this Convention. I therefore think that this Resolution should not be accepted

There is one other point on which I wish to say a word especially when we are discussing the Convention passed at the Ninth Session of the International Labour Conference At this Conference the question of recruitment of seamen came up for discussion through a speech made by my friend Mr. Davood who represented the Indian seamen at that Conference. In reply to that speech a representative of the Government of India made a statement which in my judgment was quite inaccurate.

The Honourable Sir George Rainy : This does not seem to have any relevancy to the Draft Convention that we are discussing now.

Mr. N. M. Joshi . We are discussing the Convention passed at the Ninth Session of the International Labour Conference.

Mr. President : Not all the Conventions We are only discussing the Convention which is under consideration and which is the subject matter of this Resolution The question is whether this Assembly should ratify this Convention to-day or at a later date. We have nothing to do with any other Conventions The conduct of the Government may be blameworthy in the matter of those other Conventions, but the reference to it is hardly relevant in dealing with this Resolution.

Mr. N M Joshi . What I am contending is that this Assembly has now got an opportunity to discuss certain Resolutions and Conventions passed at the Ninth Session of the International Labour Conference. It should be the ordinary parliamentary practice that, if certain statements have been made at that conference which are not accurate, we should have an opportunity of correcting them in this House on this occasion.

Mr. President : I cannot allow the Honourable Member to utilise this occasion for that purpose

Mr. N. M. Joshi : With your indulgence, I want to point out that this is the only opportunity when we can discuss that point.

Mr. President : Order, order. The Honourable Member is not entitled to discuss that point on this Resolution.

Mr. N. M. Joshi : If that is your decision, Sir, I cannot point out at the present time the mistake or the inaccuracy of the statements made by the representative of the Government of India.

Mr. President : If it refers to this particular Convention the Honourable Member will be in order.

Mr. N. M. Joshi : It refers to this particular Convention only indirectly and not directly.

Mr. President : It is no use persisting. The Honourable Member knows it.

Mr. N. M Joshi : There is only one other point to which I wish to refer and it is this. That statement refers to what had happened in this House. I am sure the House would be surprised to know that a false statement had been made at the Conference as regards what had happened in this House. If you will give me one minute, Sir, I shall explain what it was

Mr. President : I am afraid that the Honourable Member is not at all in order in referring to that subject in dealing with this Resolution.

Mr. N. M Joshi . I do admit that. But, with your indulgence I wish to state that this House was absolutely misrepresented at that conference. (*Several Honourable Members* : " Order, order ".) The statement was made at that Conference that this House unanimously threw out the ratification of that particular Convention. As a matter of fact my Honourable friend Mr. Kabeer-ud-Din Ahmed had opposed that Convention (Laughter) When one Member had opposed that Convention, certainly it was wrong to say that this House unanimously threw out the ratification of that Convention. You know, Sir, the ordinary practice in our proceedings when a Resolution is adopted.. ...

Mr. President : The Honourable Member must now resume his seat.

Mr. M. S Aney (Berar Representative) : Sir, I only wish to point out one inaccuracy in the amendment, as the amended resolution would be meaningless, if it be adopted as it stands. If the amendment is adopted the Resolution would read thus..... ....

Mr. President : The Honourable Member may vote against the amendment

Mr. M S Aney : If this amendment is adopted the Resolution would read miserably. If the words sought to be omitted by the amendment are omitted in the Resolution, the resolution would read :

" This Assembly recommends to the Governor General in Council that of the Draft Conventions, etc , etc., should be ratified "

This is certainly meaningless. The word " of " after " ratification " has to be omitted.

Mr. President : The Honourable Member may vote against it

Mr. N. M Joshi : No doubt the word " of " also should be omitted.

Mr. M. S. Aney : The word " of " must go.

Mr. N. M. Joshi : Yes, Sir.

Maulvi Abdul Matin Chaudhury (Assam : Muhammadan) : Sir, I rise to support the amendment of my Honourable friend Mr. Joshi and in this connection I want to protest against the obstructive tactics that are usually adopted by the Government (hear, hear) whenever any

Convention of the International Labour Conference comes up before this House for ratification. The past experience does not very much encourage us to give an entirely free hand to the Government in putting off the ratification of the Convention for an indefinite period. I wish to illustrate my point by only one example. In the year 1920 the International Labour Conference held at Geneva adopted a draft Convention for establishing facilities for finding employment for seamen In the autumn Session of the Legislative Assembly, in 1921, the Honourable Sir Charles Innes came before the House with a Resolution that that draft Convention should not be ratified, but that an enquiry should be made about the existing evil. The Government appointed a committee of enquiry That Committee made its report in 1922. The Committee found grave abuses existed and they condemned the present system of recruitment by means of licensed brokers. They recommended that an employment bureau should be established at the ports of Calcutta and Bombay just on the lines suggested in the Draft Convention The report of the Committee was so damaging that the Government in publishing that report suppressed the last three paragraphs of the report which dealt with the existing abuses.

Mr. N M Joshi Sometimes, they suppress the whole of it.

Maulvi Abdul Matin Chaudhury · That was in 1922. Five years have passed The Government know that grave abuses exist. The Government know that these poor seamen are being exploited. These brave seamen who saved England from starvation during the War—(hear, hear)—have been left to their fate This Convention has been ratified by Germany, by Holland. by Italy, by Spain, by Norway, by Sweden, by Japan and by Finland.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : They are all civilised countries

Maulvi Abdul Matin Chaudhury . But for the last seven years, the Government of India have been incubating upon it. They have not ratified it. With this example of the non-ratification of the Geneva Convention of 1920 before us, the House will be very reluctant to agree to this Resolution of the Honourable the Commerce Member. Before we agree to this Resolution, I think the House may very pertinently ask the Honourable the Commerce Member what has been the fate of the Geneva Convention of 1920, what has been done with the report of the seamen's Recruitment Committee, which the Honourable Sir Charles Innes had promised to place before us, for discussion. Before we agree to this Resolution, we must have an answer to this question from the Government

The Honourable Sir George Rainy : Sir, my Honourable friend Mr. Joshi gave two main reasons in support of his amendment. The first of them was that there was a Convention, or possibly more than one Convention, which the Government of India had never ratified. I am afraid I do not see how that is relevant to the Resolution I have placed before the House The Government of India may sometimes have to decide that they cannot ratify a particular Draft Convention. But here the position is that we are anxious to ratify though there are certain legal and technical difficulties As I endeavoured to explain to the House, these difficulties are not large questions of substance but mainly legal and technical points.

Mr. K. Ahmed : Why did you not say that at Geneva and why do you say it here ?

The Honourable Sir George Rainy . I may inform the Honourable Member that I have never been in Geneva. Now it may occur to some Honourable Member to ask " Why not ratify at once and legislate later on ?" ; but, Mr. President, if I were to propose that course to the House, I should immediately fall into the condemnation of the other precedents quoted by my Honourable friend Mr. Joshi when he said that the Government of India had, in the case of certain Conventions, ratified a long time ago but taken no action to give effect to them. If that be so, then it is a condemnation which I am anxious to avoid and it is precisely for that reason that the Government of India have put forward Resolution in this form, and not in the form of recommending ratification We cannot put a Resolution before this House recommending ratification until we are sure that we shall be in a position, if we ratify it, to give effect to the Convention. I may mention that at the Tenth Session of the Geneva Conference this question of procedure was discussed. In a report which reached me within the last week there is a passage I should like to read :

" The Experts also mentioned a difference of practice among Governments with regard to ratification Some Governments secure the passage of any necessary legislation before ratifying, others notify ratification before such legislation is actually on the Statute book , the Experts pointed to the disadvantage of the latter system, though they considered that such ratifications are of great value as signifying acceptance of the principle of a Convention and recognition of the obligation to legislate in conformity therewith as soon as possible ; they suggested, however, that when such ratifications are deposited it should be stated that they will take effect only on the expiry of a specified period The juridical questions thus raised led to an interesting discussion in Committee, where Mr. Pfister (Swiss Government) and Mr Oersted (Employers, Denmark) *expressed the view that legislation, when necessary, should in all countries* precede ratification, and this point [illegible] Mr. Thorsen (Norwegian Government) [illegible] of the Government of India, as it ha[illegible] com-municate ratification before legislation has been passed "

We are trying in this case to follow the procedure approved by our own delegates and to make sure that we have full legislative power to carry out the Convention before we invite the Legislature to ratify it That in substance, Mr. President, is my reply to the arguments used by my Honourable friend Mr. Joshi.

I should like, however, to refer briefly to two more points. Mr. Joshi said that the two Conventions were very important and that their ratification would do a great deal to improve the lot of Indian seamen. Now I do not underrate the importance of these Conventions, but I think my Honourable friend overlooked the fact that they only apply to foreign-going ships registered in British India, and that the number of such ships at present is extremely small. These Conventions, when we ratify them, as I hope we shall, will do something but, in the nature of the case, they cannot do a great deal to improve the lot of the Indian seaman.

The other point to which I wish to allude is this. I am sure the House will not expect me at this hour and without previous notice to say exactly what the Government of India did or did not do, or why they did it or did not do it, as regards the long list of Conventions to which my Honourable friend referred. I will look into those cases and

see what the position is, but clearly it is out of the question that I should reply in detail to-day.

Mr. President: The original Resolution was:

"That this Assembly recommends to the Governor General in Council that the question of the ratification of the Draft Conventions concerning

(1) Seamen's Articles of Agreement, and

(2) the Repatriation of Seamen,

adopted by the General Conference of the International Labour Organisation of the League of Nations at its Ninth Session held at Geneva from the 7th to the 24th June 1926, should be considered at a later date, when the amendments necessary to bring the existing law into conformity with these Draft Conventions have been further examined in consultation with parties interested".

Since which the following amendment has been moved:

"That the words 'the question of the ratification of' be omitted."

2 "That for the words beginning from 'should be considered at a later date' to the end of the Resolution, the words 'be ratified' be substituted."

The question I have to put is that amendment be made.

The motion was negatived.

Mr. K Ahmed At this juncture I should like to bring to the notice of the Chair that it is now very late and important business is coming on.. ..

Mr. President: Will the Honourable Member resume his seat and allow the Chair to put the original Resolution to the vote of the House? The question I have to put is:

"That the following Resolution be adopted:—

'This Assembly recommends to the Governor General in Council that the question of the ratification of the Draft Conventions concerning

(1) Seamen's articles of Agreement, and,

(2) the Repatriation of Seamen,

adopted by the General Conference of the International Labour Organisation of the League of Nations at its Ninth Session held at Geneva from the 7th to the 24th June 1926, should be considered at a later date, when the amendments necessary to bring the existing law into conformity with these Draft Conventions have been further examined in consultation with parties interested'."

The motion was adopted.

Mr K. Ahmed: Sir, before taking up any other matter for discussion to-day in this Assembly, I should like to point out that, important subjects are still down in the agenda for to-day and many Members have already left the House, Sir, because it is not the custom of this House to remain here after 4-30—at least that has been our experience in this Session; and I say, Sir, that on account of that and on account of the importance of these subjects, if these questions are taken up to-day and passed without giving an opportunity to the representatives of the people of this country............

Mr. President: Order, order. The Chair has already taken all these matters into consideration.

RESOLUTION *RE* RECOMMENDATIONS CONCERNING (1) THE REPATRIATION OF MASTERS AND APPRENTICES, AND (2) THE GENERAL PRINCIPLES FOR THE INSPECTION OF THE CONDITIONS OF WORK OF SEAMEN.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I move the following Resolution :

"That this Assembly recommends to the Governor General in Council that no action be taken on the Recommendations concerning:

(1) the Repatriation of Masters and Apprentices, and

(2) the General Principles for the Inspection of the Conditions of Work of Seamen,

adopted by the General Conference of the International Labour Organisation of the League of Nations at its Ninth Session held at Geneva from the 7th to the 24th June 1926 until the amendments necessary to bring the existing law into conformity with these Recommendations have been further examined in consultation with parties interested "

I will try to deal with this matter very briefly, Sir. The reasons for bringing forward the Resolution are very similar to those which exist in the case of a Draft Convention but there is this difference, that here we are dealing with recommendations [illegible] actual Draft Conventions In the case [illegible] Government proposes to adopt it, it m[illegible] stands without amendment In the case of a Recommendation there is no question of ratification, and the Member Government can accept as much or as little as it pleases of the proposals included in the Recommendation. We are, however, bound exactly in the same way as in the case of a Draft Convention to bring Recommendations before the competent authority—that is in this case the Legislature—within the specified period

Now, as regards the first Recommendation, namely, the repatriation of masters and apprentices, the view of the Government of India is that in all probability no amendment in the law as regards masters will be found necessary. But as regards apprentices, it will be desirable to legislate in order to bring the law bearing on the repatriation of apprentices into line with the law bearing on the repatriation of seamen. That will mean legislation both in the Imperial Parliament and also in India. The other Recommendation is as regards the general principles for the inspection of the work of seamen. Here the necessity for legislation arises out of an Article in the Recommendation which expresses the desirability that, as far as possible, all the authorities charged with the inspection of the work of seamen should be brought under a single control That is entirely in line with the policy of the Government of India, as I think I have explained more than once in this House. Our policy is to bring the administration of the merchant shipping law, which includes inspection of the work of seamen, under the direct control of the Central Government instead of leaving it largely to the Local Government as we do at present. In order that that may be done, it will be necessary to amend the Merchant Shipping Act, and I hope it will be possible to introduce a Bill dealing with that point in the cold weather Session. It has not been possible to introduce the Bill this Session, and therefore it became necessary to bring this Resolution before the House

Sir, I move.

Mr. N. M. Joshi (Nominated : Labour Interests) : I move an amendment to this Resolution :

"That for the words 'no action' the words 'necessary action' be substituted. That all the words beginning from 'until the amendments necessary' to the end of the Resolution, be omitted."

The Honourable Member in charge of the Department said that these Conventions and Recommendations are only applicable to seamen working on foreign-going ships registered in India, and there are very few such ships at present in India and so they are not of great importance to Indian seamen. Sir, in this world very little is done for the working classes and especially for the seamen. So I am prepared to admit that whatever is done by these Conventions and Recommendations is indeed very little. But the working classes receive so little that even when a little is done, they think that much is done for them. It is for that reason that I say these Conventions and Recommendations are useful to the seamen.

My amendment asks this House to recommend to the Government that necessary action on the Recommendations should be taken. One of these Recommendations is intended to ask the Government to establish a proper and regular system of inspection of the conditions under which seamen work on ships, conditions as regards health, safety and other matters. Under the Indian Merchant Shipping Act there is no provision for a regular system of inspection through special inspectors. The shipping masters have got certain powers to inspect ships under certain conditions, but the shipping masters have got their ordinary work to do and they cannot under ordinary circumstances find time to inspect the ships on which the Indian seamen work. If the Recommendation is given effect to at once, the Government will have to appoint inspectors to inspect the conditions on ships

Sir, the Recommendation also insists that if the seamen have any grievances, they should have the right to bring them to the notice of the inspectors either directly themselves, or through their representatives. Under the present Indian Merchant Shipping Act every seaman cannot do this It is necessary that three seamen should combine together to bring to the notice of the shipping master any grievances that they may have ; nor can they bring their grievances to the notice of the shipping master through their representatives. Again, this Recommendation insists that such inspectors should be appointed as will be acceptable to the seamen as well as to the employers. The Recommendation also insists that the inspectors should from time to time consult the organisations of seamen as well as the employers. You will thus see that if necessary action is taken on this Recommendation the Indian seamen stand to gain something, although I am not prepared now to say that they will gain very much. I therefore hope that the House will pass my amendment.

The Honourable Member while moving this Resolution stated that the necessary changes will take some time. He also stated that in some circumstances it is not within his power to take action, as our law as regards merchant shipping is interlinked with the English law. I hope the Honourable Member will take steps to see that the Indian Merchant Shipping Act is made independent of the British Merchant Shipping Act,

[Mr. N. M. Joshi.]

so that if we want to make any changes in the law as regards the conditions of service of seamen we may be able to do so without being dependent upon the British Parliament.

I hope this House will accept my amendment.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : I request that the discussion may be adjourned, as there is the Unity Conference sitting downstairs.....

Mr. President : Order, order. Sir George Rainy.

The Honourable Sir George Rainy : I will try to be very brief in replying to what my Honourable friend, Mr. Joshi, has said. He admits now that the benefit which the Indian seamen can derive from the adoption of these Recommendations is not very great ; but still he would like to see them put in force, and that, I may say, is also the desire of the Government of India. There may be one or two points on which they are not able to accept the Recommendations exactly as they stand, but the Recommendation about inspection to which the Honourable Member attaches most importance, has been examined in detail, and, as far as we can see legislation will be required only on two points one of which is a very small one. To give effect to the other parts of the Recommendation, we can proceed by executive action, and very largely it would be part of our reorganisation scheme for merchant shipping work generally. There was one other small point to which I wished to refer but it escaped my memory for the moment, and I do not know that I need add anything further.

Mr. President : The original Resolution was :

"That this Assembly recommends to the Governor General in Council that no action be taken on the recommendations concerning

(1) the Repatriation of Masters and Apprentices, and

(2) the General Principles for the Inspection of the Conditions of Work of Seamen,

[illegible]

Recommendations have been further examined in consultation with parties interested.

Since which the following amendment has been moved :

"That for the words 'no action' the words 'necessary action' be substituted.

That all the words beginning from 'until the amendments necessary' to the end of the Resolution, be omitted".

The question that I have to put is that that amendment be made.

The motion was negatived.

Mr President : The question is :

"That the following Resolution be adopted :

'That this Assembly recommends to the Governor General in Council that no action be taken on the recommendations concerning

(1) the Repatriation of Masters and Apprentices, and

(2) the General Principles for the Inspection of the Conditions of Work of Seamen,

adopted by the General Conference of the International Labour Organisation of the League of Nations at its Ninth Session held at Geneva from the 7th to the 24th June

1926 until the amendments necessary to bring the existing law into conformity with these Recommendations have been further examined in consultation with parties interested'."

The motion was adopted.

RESOLUTION *RE* CENSORSHIP OF CINEMATOGRAPH FILMS.

Mr. President : The House will now resume further consideration of the following Resolution moved by the Honourable Mr. J Crerar on the 14th September, 1927 :

"That this Assembly recommends to the Governor General in Council that he be pleased to appoint a committee to examine and report on the system of censorship of cinematograph films in India and to consider whether it is desirable that any steps should be taken to encourage the exhibition of films produced within the British Empire generally and the production and exhibition of Indian films in particular."

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I move the adjournment of the further consideration of this question.

Mr President : Does the Honourable Member really realise the effect of the adjournment motion ? The Governor General in Council has got the power to appoint the Committee referred to in the Resolution. If the Assembly does not express its opinion to-day it may be that the Government, without consulting the Assembly might appoint a Committee In that event, the House will lose the opportunity of influencing the decision of the Government.

Sir Hari Singh Gour : I bow to what has fallen from the Chair but the Members are now fully jaded. It is past half past five and we have other engagements to meet, and I hope the Honourable the Home Member will realise that this Resolution is far too important to be discussed at this very late hour We have a number of amendments on the paper and full justice cannot be done to these amendments unless we are prepared to sit till 9 or 10 at night I therefore ask that, with the concurrence of the Honourable the Home Member, the further discussion of this motion be adjourned till Wednesday or till the winter Session in Delhi

The Honourable Mr. J. Crerar (Home Member) I have no desire whatever to detain the House if there is a common desire to adjourn, but I must point out that the position that will emerge is precisely what you, Sir, have indicated

Mr President : The question I have to put is :

"That the further discussion of this Resolution be adjourned "

The motion was adopted

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 20th September, 1927.

LEGISLATIVE ASSEMBLY.

Tuesday, 20th September, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBER SWORN :

Mr Thomas Ryan, C.I.E., M.L.A. (Department of Industries and Labour : Nominated Official).

QUESTIONS AND ANSWERS.

Mr. President : Maulvi Badi-uz-Zaman.

Mr. Abdul Latif Sahib Farookhi : With your permission, Sir, I shall put the question on behalf of the Honourable Member

Mr. President : The Chair regrets that it cannot grant the permission.

Mr. Abdul Latif Sahib Farookhi : He has told me about it.

Mr. President : He may have told the Honourable Member, but he has not intimated it to the Chair

†1162*

‡1163*—1165*.

CASE INSTITUTED BY MR MACLAREN, A FOREMAN IN THE BENGAL NAGPUR RAILWAY WORKSHOPS AT KHARAGPUR, AGAINST MEWARAM, A FITTER.

1166. ***Mr. M. K. Acharya** : 1. (*a*) Has the notice of Government been drawn to a criminal complaint filed recently before the first class magistrate of Midnapore, by Mr Maclaren, a foreman in the Kharagpur Workshops (Bengal Nagpur Railway), against Mewaram, a fitter, charging the latter with defamation and assault ?

(*b*) Has the magistrate found the complaint to be false, and acquitted the accused on both the charges ?

2. (*a*) Have the Bengal Nagpur Railway Company helped Mr Maclaren by defraying the cost of the case referred to in the preceding question ? And if they have, what was their justification ?

(*b*) After the adverse findings of the magistrate against Mr Maclaren, have the Bengal Nagpur Railway authorities taken any action against Mr. Maclaren ? Have they recovered the cost of the suit from him ?

(*c*) Is Mr. Maclaren still in the service of the Railway Company ?

(*d*) What was his pay at the beginning of the year ?

† Not put at the meeting, but the question and answer thereto will be found at pages 4656—57 of these proceedings

‡ *Vide* pages 4655—56 of these proceedings

3. Have the railway authorities revised their order dismissing Mewaram? Do the Railway Company think of recompensing him for the assault and dismissal to which he had been subjected?

Mr. A. A. L. Parsons: 1. Government have received no report of the case mentioned in the Honourable Member's question.

2. and 3. Government have no information, but enquiries will be made.

ASSAULTS BY EUROPEANS ON INDIAN WORKMEN IN THE BENGAL NAGPUR RAILWAY WORKSHOPS AT KHARAGPUR

1167. *Mr. M. K. Acharya: (a) Is it a fact that there had been several cases of assault similar to the one referred to in the preceding question on Indian workmen in the Kharagpur Workshops?

(b) Were the following among several cases, brought to the notice of the Agent

(i) Mr W N. Smith's assault on Madan Mohan Das:

(ii) Mr A L Rhind's assault on Narayana Rao:

(iii) Mr Harting's assault on Nayadhar: and

(iv) Mr Round's assault on Sukhlal?

(c) Did the Agent publish in the Bengal Nagpur Railway Gazette of the 19th February 1927 that "undoubtedly such cases do occur ...... but any proved cases of physical violence or gross and excessive abuse will be promptly dealt with"?

(d) What prompt action in this judiciously proved case, Mr. Maclaren and Mewaram, has the Agent taken against those who have assaulted Mewaram or got him dismissed?

Mr. A. A L. Parsons: Government have no information, but enquiries will be made.

CASE OF MR A HOLGUETTE, A COMMERCIAL INSPECTOR OF THE EAST INDIAN RAILWAY.

1168. ***Lieut.-Colonel H. A. J. Gidney**: (a) Has the attention of the Government been drawn to the case of Mr. A. Holguette, a Commercial Inspector of the East Indian Railway, who was forced to resign his appointment because of a false charge brought against him, and who, after months of correspondence was reinstated by the Agent, with a complete acquittance on all the charges and was given a compensation of Rs 10,000?

(b) Is it a fact that the Agent held that Mr. Holguette had not had a fair trial and that he had been punished without regard to the evidence and that there had been a gross miscarriage of justice, due entirely to incapacity or carelessness, or both on the part of the Divisional Superintendent, Mr. Rutherford?

(c) Is it also a fact that the report against Mr. Holguette was submitted by two officers, Messrs Kirk and Ghose?

(d) Is it a fact that Mr Rutherford in recognition of the fact that Mr. Holguette's activities stopped fraud at Howrah and gained for him

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(e) Is it not a fact that the report against Mr. Holguette was such that the Agent immediately ordered Mr. Holguette's reinstatement as soon as he saw it ?

(f) Is it not a fact that Mr. Rutherford specially commended Messrs Kirk and Ghose on their report ?

CASE OF MR A HOLGUETTE, A COMMERCIAL INSPECTOR OF THE EAST INDIAN RAILWAY

1169. *Lieut.-Colonel **H A J. Gidney** : (a) Is it a fact that the party who brought the charge of bribery against Mr. Holguette, a Commercial Inspector of the East Indian Railway, has since confessed that the whole business was a put up job ?

(b) Is it a fact that the case was brought to the notice of the Railway Board who agreed with the Agent's action and directed that all responsible in the case should be dealt with from a disciplinary point of view ?

(c) Is it a fact that Mr Holguette was not given a charge sheet showing what charges were against him and was not allowed to be present at the enquiry, so that he could cross-examine witnesses ?

SELECTION OF MR RUTHERFORD FOR THE APPOINTMENT OF DIVISIONAL SUPERINTENDENT HOWRAH EAST INDIAN RAILWAY

1170 ***Lieut.-Colonel H. A. J Gidney** : Is it a fact that Mr. Rutherford was an officer junior to many others and was selected over the heads of other senior officers for the appointment of Divisional Superintendent ? Is it a fact that three of the four officers selected for these appointments were members of the same family ?

DISCIPLINARY ACTION TAKEN AGAINST CERTAIN OFFICIALS OF THE EAST INDIAN RAILWAY IN CONNECTION WITH THE CASE OF MR A HOLGUETTE, A COMMERCIAL INSPECTOR.

1171. ***Lieut.-Colonel H. A J. Gidney** : (a) Is it a fact that the case against Mr Holguette cost the Government a large sum of money approximating to Rs. 15,000 ?

(b) What action has been taken against Messrs Kirk and Ghose for their incorrect finding against Mr. Holguette ? Is it a fact that these officers are now officiating in the senior grade ? Do Government propose to punish them ?

(c) What action has been taken against Mr Rutherford ? Do Government propose to remove him or take any action against him ?

(d) Is it a fact that while Messrs. Rutherford and Robertson were persistent in forcing Mr Holguette out of the service, they had before them the opinion of the Railway's lawyer, that the finding against Mr. Holguette was wrong in facts and unjust and untenable ?

DISCIPLINARY ACTION TAKEN AGAINST CERTAIN OFFICIALS OF THE EAST INDIAN RAILWAY IN CONNECTION WITH THE CASE OF MR. A. HOLGUETTE, A COMMERCIAL INSPECTOR.

1172. ***Lieut.-Colonel H. A J. Gidney** : (*a*) Will Government please state whether the Agent has taken any disciplinary measures against all those officers and men who were responsible for the miscarriage of justice referred to in the preceding questions, as ordered by the Railway Board ? If not, are Government prepared to institute an inquiry and insist on the punishment of all responsible for this treatment of a subordinate ?

(*b*) Will Government please state whether they are prepared to institute a committee of inquiry into all discharges and dismissals that are traceable to and for which Mr Rutherford, Divisional Superintendent, Howrah, has been responsible since he was placed in his present important appointment ?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to reply to questions Nos 1168 to 1172 together

Government have received no report from the Agent on the matter mentioned in the Honourable Member's questions and do not propose to make any enquiries from him ; they can trust the Agent of the East Indian Railway to have taken such action as may be required

Lieut.-Colonel H A. J. Gidney : Will the Honourable Member kindly inform me whether the Railway Board is in receipt of a report on this matter or has any words of it , whether the entire file has been sent to the Railway Board and whether the Railway Board issued an order to the Agent of the East Indian Railway to punish those responsible or not ?

Mr. A. A. L. Parsons : I have already answered all these questions in the answer I gave to the main question. Government have received no report from the Agent on the matter and do not propose either to make enquiries or to issue any order on the subject.

EMPLOYMENT OF SOLDIER CLERKS IN THE ARMY HEADQUARTERS.

1173. ***Mr. A. H. Ghuznavi** : (*a*) With reference to the reply to starred question No 1111, on the 22nd March, 1927, relative to the employment of 25 per cent soldier clerks in the branches of Army Headquarters, will Government please give a definition of the term "military character" ?

(*b*) Is it a fact that the 75 per cent. civilian clerks employed in the branches of Army Headquarters also do the same nature of work as is done by a soldier clerk ?

(*c*) If so, wherein lies the difference in the nature of work performed by a civilian clerk and that of a soldier clerk ?

(*d*) Is it a fact that the work in the Equipment and Ordnance Directorate of the Q M. G.'s Branch and that of the Artillery Directorate of the M G S. Branch is of the highest technical nature of all other work in the different branches of Army Headquarters ?

(e) Is it a fact that the civilian clerks employed in these directorates have been very highly spoken of by the different Directors from time to time ?

(f) If the answers to (d) and (e) above, are in the affirmative, wherein lies the justification to exempt soldier clerks from passing the prescribed test of the Staff Selection Board ?

(g) Is it a fact that soldier clerks in most cases do not even possess the minimum educational qualifications ?

(h) Are Government aware that there is a widespread discontent amongst the civilian clerks of the Army Headquarters that while they are required to qualify for the appointments in different divisions, soldier clerks are exempted from the necessary examination ?

(i) Is it a fact that on this account, civilian clerks apply very often for transfer and better appointments elsewhere ?

(j) Is it also a fact that soldier clerks are recruited above first division clerks already in the office ?

(k) If so, why ?

Mr. G. M. Young : (a) It is difficult to suggest a more comprehensive definition of work of a military character than is contained in those words The phrase however includes work that requires military knowledge and an acquaintance with matters concerning the discipline, environment and conditions generally attaching to a soldier's life, as well as work which requires special knowledge gained, as a rule, in particular military services or departments

(b) The answer is, broadly speaking, in the negative. Soldier clerks are more suitable for certain kinds of work than civilian clerks.

(c) Does not arise

(d) No, Sir No technical qualifications are required of clerks in these branches

(e) Yes, Sir, but no more than in other branches of Army Headquarters

(f) These soldier clerks must possess the First Class Army School Certificate, which Government have accepted as a sufficient qualification for such clerks.

(g) and (h). The answer is in the negative

(i) I have no information to this effect, but civilian clerks in Army Headquarters may be trusted, like anyone else, to apply to better themselves if they see a chance.

(j) No, Sir, these soldier clerks are recruited on the same principle as civilian clerks and take their place, on entry, at the bottom of the officiating roll After entry, promotion is governed by selection according to merit and suitability

(k) Does not arise.

†1174*—1175*.

† Not put at the meeting, but the questions and answers thereto will be found at pages 4657—58 of these proceedings.

STARTING OF AN URBAN UNIT OF THE INDIAN TERRITORIAL FORCE IN CALCUTTA.

1176. *Mr. K. C. Neogy: (a) With reference to the Government Resolution on the Indian Territorial Forces Committee Report, will Government be pleased to state whether it is intended to start an Urban Unit in Calcutta ?

(b) Have Government received any representation from the Indian Association of Calcutta on the subject ?

Mr. G. M. Young: (a) The answer is in the negative, at present.

(b) The answer is in the affirmative.

REMISSION OF CUSTOMS DUTY ON SCIENTIFIC INSTRUMENTS AND CHEMICALS IMPORTED FOR THE USE OF EDUCATIONAL INSTITUTIONS.

1177. *Mr. K. C. Neogy: (a) Have Government received any representation suggesting remission of customs duty on scientific instruments and chemicals imported for the use of educational institutions ?

(b) Are Government in a position to state approximately the amount of revenue involved in granting such a remission ?

The Honourable Sir George Rainy: (a) Yes

(b) No

ROUTE OF THE IMPERIAL AIRWAYS TO CONNECT INDIA WITH GREAT BRITAIN.

1178. *Mr. Gaya Prasad Singh: (a) Is it a fact that the Government state the latest development, if any, in the plan of Imperial Airways to connect India with Great Britain, through Egypt and Iraq ?

(b) Is it a fact that there is a proposal of a line through Constantinople, which, if agreed upon, would shorten the journey by about 48 hours ?

(c) Has the Persian Government given consent to take the air route through Persian territory ? If not, what alternative route is in view ; and what progress has been made in the matter ?

The Honourable Sir Bhupendra Nath Mitra: (a) and (c). Certain difficulties have arisen over the route originally selected, and the Company is investigating the possibility of an alternative route along the southern littoral of the Persian Gulf.

(b) I have no information

CERTAIN LETTERS IN THE "VETERINARY RECORD" BY PROFESSOR GAIGER AND COLONEL A K WALKER.

1179. *Lieut.-Colonel H. A. J. Gidney: (a) Has the attention of Government been drawn to a letter in "Veterinary Record", dated 30th July, 1927, by Professor Gaiger as also to another letter in the same paper

by Colonel A. K. Walker, I.V.S. (Retired), dated August 6th, 1927 ? If so, are the facts as stated in Colonel Walker's letter true ?

(b) If they are true, will Government be pleased to state what action it proposes to take to remedy this condition ?

Mr. A. R. Dálal : (a) The Government of India have seen the letters. The only statement in Colonel Walker's letter the strict accuracy of which is admitted by the Government of India is the one referring to the abolition of the post of Inspector General, Civil Veterinary Department.

(b) Does not arise except in the case of the post of Inspector General. The Government of India are not prepared to consider the question of reviving the post, especially now that the subject is provincial transferred, unless the Royal Commission on Agriculture recommend it and adduce strong reasons in support of their recommendation.

REFUSAL OF PASSPORTS TO EMPLOYEES OF INDIAN FIRMS IN HONG KONG.

1180. ***Mr. Gaya Prasad Singh** : (a) Will Government be pleased to state if they have refused passports to certain *bona fide* employees of Indian firms in Hong Kong, and to the families of Indian residents there ? If so, why ; and in how many cases have passports been refused this year ?

(b) Are Government aware that the merchants' agreements with many of their assistants in Hong Kong, have either expired, or are about to expire, and as the assistants cannot be detained there against their will, and others from India are not allowed to take their place by the refusal of passports the Indian trading community in Hong Kong is subjected to great hardships ?

(c) Have Government received any representation on this subject either from the Hindu Merchants' Association of Hong Kong, or from any other quarter ?

The Honourable Mr. J. Crerar (a) No such case is traceable If, however, the Honourable Member has any particular case in mind and will give me the facts, I will have enquiries made

(b) and (c) No

EMPLOYMENT OF UNPASSED MEN IN THE OFFICE OF THE PUBLIC SERVICE COMMISSION

1181 ***Maulvi Muhammad Yakub** · (a) Is it a fact that according to rule only passed candidates are eligible for employment in the Government of India Secretariat, attached and subordinate offices ?

(b) Is it a fact that the Public Service Commission have themselves broken the rules by employing two unpassed candidates in permanent posts ?

(c) Is it a fact that one of them never qualified himself for any division, is not educationally qualified to appear for any division, was only a second division clerk in the Finance Department and has been taken as an upper division assistant in the office of the Public Service Commission ?

to the condition of the Chota Nagpur Division which is full of deep forests with wild animals?

The Honourable Mr. J. Crerar: (1) The Government of India have no reason to suppose that the facts are as suggested.

(2) The Government of India do not consider that there are grounds for the action suggested.

Mr. Ram Narayan Singh: Will the Government of India make enquiry as to the allegations I have brought to notice?

The Honourable Mr. J. Crerar. I am afraid I cannot add anything to the reply already given.

DEPUTY DIRECTOR GENERAL OF ARCHÆOLOGY, EXPLORATION BRANCH.

1188. ***Maulvi Muhammad Yakub**: (*a*) Will the Government kindly state the drawings and photographs prepared and published by the officer appointed as Deputy Director of Archæological Exploration in any publication of the Department or refer to them?

(*b*) Will the Government be pleased to state what original research work apart from epigraphical notes has been contributed by this officer to the departmental literature during the last six years?

(*c*) Will the Government kindly state the number of unexplored and unknown ancient ruins brought to light by this officer before he was considered fit to hold his present post?

(*d*) Will the Government be pleased to state if it is a fact that an officer of vast experience in Near Eastern Archæology has been brought out from England and placed under an officer of less experience in the Exploration Branch of the Archæological Survey?

Mr A. R. Dalal: (*a*) Drawings and photographs in the Archæological Department are prepared by draftsmen and photographers respectively. In the publications of the Department, therefore, there are no drawings or photographs prepared by the officer in question.

(*b*) During the last six years this officer has contributed to departmental reports articles on the subjects mentioned in the statement placed in the Library.

(*c*) During the last 23 years this officer has either assisted in or personally supervised excavations on the sites mentioned in the statement placed in the Library

(*d*) No.

INDUS VALLEY PRE-HISTORIC SCRIPT.

1189. ***Maulvi Muhammad Yakub**: Will the Government be pleased to state:

(*a*) Since when the peculiar Indus Valley pre-historic script has been before the Indologists of the Archæological Department, and

(*b*) How far has their knowledge of oriental languages helped them to decipher this writing?

Mr. A. R. Dalal . (*a*) Specimens of the peculiar pre-historic script of the Indus Valley have been before Indologists for the last 55 years.

(*b*) Their knowledge of oriental languages has not helped them to decipher the writing.

STAY OF MISS MAYO, AUTHOR OF " MOTHER INDIA" AS A GUEST OF A SUPERINTENDENT OF THE C I. D. AT LAHORE.

1190. ***Mr. Gaya Prasad Singh :** (*a*) Is it a fact that Miss Mayo, the author of " Mother India ", was the guest of a Superintendent of the C. I. D. at Lahore, during her visit to this country, and that an Inspector of the C. I. D. was deputed to help her in making enquiries and acquaintances ?

(*b*) Is it a fact that an official of the Intelligence Department, Government of India, arranged for her stay in Lahore, with the Superintendent of the C. I. D , or helped her in any other way ?

(*c*) Do Government propose to institute an enquiry, and place the facts before the House ? If not, why not ?

The Honourable Mr. J. Crerar (*a*) No

(*b*) No

(*c*) I have placed the facts before the House and no enquiry is necessary.

MISS MAYO'S BOOK " MOTHER INDIA ".

1191. ***Pandit Hirday Nath Kunzru :** (*a*) Has the following telegram from Bombay published in the *Leader* of the 7th instant come to the notice of Government

" A special message to the ' Hindustan ' , a local Gujerat daily, says that many of the British Members of Parliament have been provided with free copies of Miss Katherine Mayo's book ' Mother India ' "

(*b*) If the information contained in the message is correct, will Government state whether free copies of " Mother India " have been distributed by or at the instance of the British Government ? If so, have the British Government made themselves responsible for the statements made in the book ?

(*c*) Are Government aware that " Mother India " is regarded by Indians as a malicious and filthy libel on the people of this country ?

(*d*) Have Government informed the British Government that a free distribution of this book by them would create deep and universal resentment and indignation in this country ?

The Honourable Mr. J Crerar (*a*) and (*b*) I invite attention to the answer I gave to Mr M S Aney's question on the subject on the 19th September 1927. The British Government have neither caused the book to be distributed nor made themselves responsible for any statement contained in the book

(*c*) Government have seen articles on the subject in the Public Press

(*d*) The fact is obvious and it is unnecessary to bring it to the British Government's notice.

Mr. K. C. Neogy : Is the Honourable Member aware that this publication has accentuated racial feeling in India to a very great extent ?

The Honourable Mr. J. Crerar : That, Sir, is a matter of opinion.

Pandit Hirday Nath Kunzru : May I ask the Honourable Member, Sir, whether the British Government have borne any portion of the cost involved in the distribution of the book ?

The Honourable Mr. J Crerar : Not a penny, Sir.

Mr. Gaya Prasad Singh : May I know, Sir, if the Publicity Bureau of the Government of India have received any complimentary copies of the book ?

The Honourable Mr. J. Crerar : No, Sir ; they have not.

Mr. Sarabhai Nemchand Haji . Will Government kindly inquire as to who it is that has distributed these copies to the Members of Parliament in London ?

The Honourable Mr. J. Crerar : That, Sir, is not the concern of the Government of India

Pandit Hirday Nath Kunzru : Are Government prepared to contradict the distorted statements contained in the book in view of the racial feeling that has been accentuated by it in India ?

The Honourable Mr. J. Crerar : I think that matter could better be dealt with by a non-official agency.

Pandit Hirday Nath Kunzru : Do not Government think it worth their while to correct the misstatements and exaggerations contained in that book in view of the fact that it has been circulated in other countries and is being used as a sort of propaganda against this country ?

The Honourable Mr J. Crerar · As I have already replied, Sir, that is a matter which can be much more effectively dealt with by a non-official agency and by those who have the most direct knowledge of the matters dealt with in the book.

Mr. K. C. Neogy : Does the Honourable Member admit that this book contains untruths and exaggerations ?

The Honourable Mr. J. Crerar . That, Sir, is asking for an expression of opinion

Mr. K. C. Neogy : Is not the good name of the people of India a matter of concern for the Government ?

The Honourable Mr. J. Crerar : Certainly the matter is one in which the Government of India naturally take interest.

Mr. N. M. Joshi : Do not the Government of India maintain a propagandist in countries like America who could be asked to correct the misstatements contained in Miss Mayo's book ?

The Honourable Mr. J. Crerar : We have no propagandist agencies in America

Mr. Varahagiri Venkata Jogiah : May I know, Sir, if the Government of India propose to proscribe the book ?

Mr. A. Rangaswami Iyengar : May I know, Sir, whether the Government of India do expend some money out of the revenues of India on propaganda work in America ?

The Honourable Mr. J. Crerar : No, Sir.

Mr. K. Ahmed : Are Government aware that the *Manchester Guardian* has made the observation and has given the advice to the people of India that it is better for them to counteract the effects of the book and that it is good for the English people to forget them ?

The Honourable Mr. J. Crerar . I remember seeing something in the *Manchester Guardian* somewhat vaguely and remotely resembling what the Honourable Member has said.

Dr A Suhrawardy : Will the Honourable Member kindly inquire as to how many Members of this House have read Miss Mayo's book, " Mother India " ?

The Honourable Mr. J. Crerar : I suggest that that question should be addressed to other Members of this House and not to myself.

Dr. A. Suhrawardy Is the Honourable Member aware that Miss Mayo's book contains extracts from the debates of this House ?

The Honourable Mr. J. Crerar . Yes, Sir

Dr. A. Suhrawardy : Will the Honourable Member kindly inquire whether Mr Coatman was responsible for supplying the appalling statements and figures to the Honourable Member who moved the Bill regarding Hindu child marriages ?

The Honourable Mr. J. Crerar : I do not think, Sir, that question arises.

Mr. Ram Narayan Singh : Are Government prepared to proscribe the book ?

The Honourable Mr. J Crerar Quite apart from any legal considerations that might arise, I think that it would be very ill advised from the Honourable Member's own point of view to proscribe the book.

Mr. K. C Neogy Are Government taking any legal opinion in the matter ?

The Honourable Mr. J. Crerar : No, Sir

Mr. M. Ruthnaswamy : Are the Honourable Members opposite in favour of proscribing the book ?

Mr Ram Narayan Singh : Are Government prepared to take legal opinion in the matter as to whether the book is fit to be proscribed or not ?

The Honourable Mr J Crerar The legal position is so clear that it is unnecessary to do so

REPORT RELATING TO EDUCATIONAL FACILITIES FOR THE CHILDREN OF RAILWAY EMPLOYEES

1192 ***Pandit Hirday Nath Kunzru** : Will Government lay the report of the special officer appointed to enquire into the educational facilities available to children of railway employees on the table ?

Mr. A. A. L. Parsons : They will consider the question.

Mr. Gaya Prasad Singh : The question is : Will Government lay the report on the table ? There is nothing to be considered.

Pandit Hirday Nath Kunzru : May I know, Sir, whether the ten days' notice of this question was not enough to enable Government to consider this question ?

Mr. A. A. L. Parsons : Certainly not, Sir While the Assembly is sitting, the Members of the Railway Board have *not found time to* read the report themselves.

Pandit Hirday Nath Kunzru : Are Government aware that in answer to a question of mine in March last regarding the expenditure on railway schools, Sir Charles Innes said that the matter was being inquired into by a special officer ? How are Honourable Members to get that information unless the report is laid on the table ?

ESTABLISHMENT OF A LOCAL ADVISORY COMMITTEE FOR THE GREAT INDIAN PENINSULA RAILWAY AT JHANSI

1193. ***Pandit Hirday Nath Kunzru** : (*a*) Has the Great Indian Peninsula Railway any Advisory Committee in the United Provinces ?

(*b*) If not, are Government prepared to take steps to have an Advisory Committee established at Jhansi ?

Mr. A. A. L. Parsons : (*a*) No

(*b*) The subject is under consideration

Pandit Hirday Nath Kunzru : Is the matter being discussed with the new Agent of the Great Indian Peninsula Railway ?

Mr. A. A. L. Parsons : I mentioned the matter to Mr Russell when I was down in Bombay recently and asked him to look into it , and I understand that he is looking into it. Jhansi, however, is not, I believe, a particularly important station from the railway point of view and I am not sure if they will establish an Advisory Committee there.

Pandit Hirday Nath Kunzru : Is it not a fact that it is the most important station on the Great Indian Peninsula Railway in the province from which I come and that it has got a railway workshop ?

Mr. A. A. L. Parsons : I am not sure if it is the most important station.

ISSUE OF OCCASION CHEQUE PASSES TO EUROPEAN AND ANGLO-INDIAN EMPLOYEES OF THE NORTH WESTERN RAILWAY.

1194. ***Pandit Hirday Nath Kunzru** : (*a*) *Is it a fact that on the* North-Western Railway " occasion cheque passes for short distances may be issued under the rules to European and Anglo-Indian employees and to their families living at *road-side stations, to enable them to* attend places of worship, entertainments, institutes, railway or Auxiliary Force sports " ?

(*b*) Are the same facilities afforded to Indian employees ? *If not,* what steps do Government propose to take to put a stop to the racial and religious discrimination involved in this rule ?

Mr. A. A. L. Parsons : (*a*) and (*b*). I am enquiring and will let the Honourable Member know the result.

Pandit Hirday Nath Kunzru : What is it that the Honourable Member is inquiring into—the accuracy of the statement or the prevalence of the practice referred to in the question ?

Mr. A. A. L. Parsons : I am inquiring in order to obtain information to answer the Honourable Member's question which I do not at present possess.

Pandit Hirday Nath Kunzru : There are two parts of the question, (*a*) and (*b*). Which part is the Honourable Member inquiring into ?

Mr. A. A. L. Parsons : I am inquiring about both the parts of the question, as both ask for information

Pandit Hirday Nath Kunzru : May I take it that Government are not sure whether the statement contained in part (*a*) of my question is correct ?

Mr. A A L Parsons : I am sure the Honourable Member would be the last to make a statement in a question if he had done so, you, Sir, might have disallowed it

Mr M S Aney : Why is it that the Government were not able to make the necessary inquiries in the ten days they had at their disposal ?

Mr. A. A. L. Parsons : The inquiries which have been made have not so far produced the necessary information. Therefore I was obliged to give a reply in the terms in which I have given it As soon as I obtain the information, I will furnish it to the Honourable Member and if other Members are interested in it, I will lay it on the table

Mr. K. C. Neogy : Is it a fact, when Government generally find it rather inconvenient to answer a question, that they complain of shortness of time or that they say they want to make more enquiries ?

Mr. A. A. L Parsons : I should not be prepared to admit that the Government ever finds it inconvenient to answer questions In this particular case, I was not able to get the information in time

Lieut.-Colonel H. A. J. Gidney : Did Government find it inconvenient to answer my question because they thought it was extremely undesirable to do so ?

Mr. A. A. L. Parsons : They thought it undesirable to do so in view of the terms in which that question was framed.

Pandit Hirday Nath Kunzru : May I ask the Honourable Member whether the rule referred to in question No. 1194 is not contained in the pamphlet entitled " Rules for the issue of free passes and privilege ticket orders, North-Western Railway " ?

Mr. A. A. L. Parsons : The Honourable Member's information, I am afraid, is in greater detail than mine.

ISSUE OF CHEQUE PASSES ON THE NORTH WESTERN RAILWAY TO CHRISTIAN MINISTERS OF RELIGION.

1195. ***Pandit Hirday Nath Kunzru** : (*a*) Are Government aware that on the North Western Railway " cheque passes may occasionally be

issued by Divisional Superintendents to ministers of religion to minister to the spiritual wants of railway employees at places where the services of clergymen are not ordinarily available" ?

(b) Are similar facilities given for the satisfaction of the spiritual wants of Hindus and Muhammadans ? If not, what is the ground for the preference shown to Christians ?

Mr. A. A. L. Parsons : (a) Yes

(b) I am enquiring and will let the Honourable Member know the result

CLASSIFICATION OF ANGLO-INDIAN AND INDIAN EMPLOYEES OF THE EAST INDIAN RAILWAY.

1196. ***Pandit Hirday Nath Kunzru :** Is it a fact that the non-European employees are divided into two classes, A and B, by the East Indian Railway and that while Anglo-Indians are assigned to class A Indians are assigned to class B ?

Mr. A. A. L. Parsons : The answer is in the negative.

INDIAN REPRESENTATION ON THE EAST AFRICAN ROYAL COMMISSION.

1197. ***Pandit Hirday Nath Kunzru :** (a) Have Government seen newspaper reports to the effect that Sir Hilton Young will preside over the East African Royal Commission and that Sir George Schuster and Mr. J. H Oldham will be its members ? Are they now in a position to state who will represent India on the Commission ?

(b) Are they aware that H H the Aga Khan has strongly urged that the Government of India should press for the nomination of two Indian members to the Commission ?

Mr. G. S. Bajpai : (a) Government have seen press reports to the said effect, but have received no authoritative information yet regarding the personnel of the Commission.

(b) Government have seen reports in the Press to that effect.

Pandit Hirday Nath Kunzru : Are Government able to say who will represent India on the Commission ?

Mr. G. S. Bajpai : No, Sir.

Mr. B. Das : Have the Government recommended any Indian ?

Mr. G. S. Bajpai : I answered a question on this subject which was asked the other day by Sir Purshotamdas Thakurdas My answer was that the Secretary of State for India had been asked to nominate a representative, not the Government of India

Pandit Hirday Nath Kunzru : Are Government in a position to assure the House that the representatives of India will at least be Indians ?

Mr G. S Bajpai : It is not possible for the Government of India to give any assurance on that subject, seeing that the nomination rests not with the Government of India, but with the Secretary of State for India.

Pandit Hirday Nath Kunzru : Are they themselves still pressing the matter on the attention of the Secretary of State ?

Mr. G. S. Bajpai : That is so, Sir.

Mr. K. Ahmed : Do Government propose to recommend the name of an Indian to the Secretary of State ?

Mr. G S Bajpai : If my Honourable friend were more audible and less inarticulate, I would attempt to answer his question. (Laughter.)

Mr. K. Ahmed : Do Government propose to take steps to recommend the names of two or three Indians to the Secretary of State for India to serve on the Commission ?

Mr. G. S. Bajpai : I think, Sir, the Honourable Member is merely repeating the views which were expressed by this House on the 18th August. The Government of India are in full possession of the views of this House, and they have taken such action as it was in their power to take.

Mr. K. Ahmed : Can Government give any undertaking that they will fulfill their promise of nominating an Indian to the Commission ?

Mr. G. S. Bajpai : The Government merely promised to forward the proceedings of this House to the Secretary of State for India That promise has been carried out.

Mr. K. Ahmed : I am asking that the Government of India should make a recommendation and should not be merely content with sending the proceedings Isn't it an evasive reply ?

STOPPAGE OF RECRUITMENT TO THE LOCAL TRAFFIC SERVICE OF STATE RAILWAYS.

1198. ***Pandit Hirday Nath Kunzru** (*a*) Has recruitment to the Local Traffic Service been stopped or not ?

(*b*) Is it a fact that the Agents of State Railways have recommended the abolition of the service ?

(*c*) Were the Local Traffic Service men classed as Indians holding superior appointments when the Lee Commission enquired into the position of Indians in the higher services ?

Mr. A. A. L Parsons (*a*) Recruitment to the Local Traffic Service from outside has been held in abeyance.

(*b*) Government have received no recommendations from the Agents of State-worked Railways to this effect.

(*c*) They were shown in the sanctioned cadre and actuals of the Superior Traffic establishment as India-recruited, the fact that they belonged to the Local Traffic Service being explained.

Pandit Hirday Nath Kunzru If they were shown as belonging to the superior establishment, when will Government take steps to promote such men as are in the Local Traffic Service to the superior grade ?

Mr. A A L Parsons I am afraid I am unable to answer that question I gave information in reply to another question a few days ago as to the position of the Local Traffic Service, pointing out that there

were considerable difficulties in amalgamating it with the superior service which we hoped to overcome but did not expect to overcome very quickly.

Pandit Hirday Nath Kunzru Am I to understand that the Government accept the principle that it will sooner or later promote these men to the higher grade in which they were supposed to be included when the Lee Commission came here ?

Mr. A. A. L. Parsons : No, Sir. I do not think I can go as far as that.

Pandit Hirday Nath Kunzru : How is it then that they were included in the superior grade when the Lee Commission came here ?

Mr A A L. Parsons : They were recruited to the Local Traffic Service and in a particular statement which was laid before the Lee Commission, they had to be shown either as superior or inferior. They were shown in that statement actually as superior but it was clearly explained therein that they were local traffic service men. There is no question of the Lee Commission having been mislead on that point.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member kindly state whether the Government of India are addressing the Secretary of State as to the retention or otherwise of these Local Service men ?

Mr. A. A L. Parsons : As far as I remember, I do not think the Railway Board have addressed the Secretary of State for India on the subject They have not yet formulated their own proposals, nor am I certain that this is a matter which would require to go to the Secretary of State

Pandit Hirday Nath Kunzru : May I take it, Sir, that in the meanwhile no new recruits are being appointed to the Local Service ?

Mr A. A. L Parsons : That is in the reply which I gave. As far as I know we are not now taking anybody into the Local Service, but I am not quite sure whether we did not take some men a short time ago. Certainly our intention is not to take any more men into it.

STATUS AND PROSPECTS OF MEMBERS OF THE BAR APPOINTED TO INDIAN CIVIL SERVICE POSTS.

1199. ***Pandit Hirday Nath Kunzru** : (*a*) Are members of the Bar who are appointed to superior judicial posts classed as belonging to the Indian Civil Service or not ?

(*b*) What is their position with regard to appointment to higher posts ?

The Honourable Mr. J. Crerar : (*a*) Members of the Bar appointed direct to listed posts on the Indian Civil Service cadre do not become members of the Indian Civil Service. They enjoy, however, the status of members of an all-India Service.

(*b*) They are eligible on their merits for all judicial appointments borne on the cadre of the Indian Civil Service except the High Court Judgeships reserved for members of that service under section 101 (4) of

the Government of India Act They are, however, eligible, if duly qualified, for all High Court Judgeships not so reserved.

Pandit Hirday Nath Kunzru : Are Government aware that in some of the highest appellate courts some posts are reserved, either by rule or by convention, for members of the Provincial Civil Service ? Are the members promoted from the Bar eligible for any of these posts or will they have to take their chance in connection with the posts which are not reserved for members of the Indian Civil or Provincial Services.

The Honourable Mr. J. Crerar : I must ask for notice of that question.

FUNCTIONS AND DUTIES OF THE OFFICERS OF THE BUREAU OF PUBLIC INFORMATION.

1200. ***Pandit Hirday Nath Kunzru** : (*a*) Will Government be pleased to state the functions and duties of the officers of the Bureau of Public Information ?

(*b*) Is it one of their duties to furnish information to private individuals ? If so, can their assistance be asked for in the collection of material on any subject ?

(*c*) Does the supply of such information constitute a principal part of their work ?

The Honourable Mr. J. Crerar : (*a*) The Honourable Member is referred to the reply given to question No 305 by Mr. O'Donnell on the 1st March 1921.

(*b*) and (*c*). This has not been prescribed as one of their duties, but, as I think the Honourable Member is aware, they do everything in their power to furnish information to private individuals on any subject that can reasonably be regarded as coming within the scope of the Bureau.

Mr. K. C Neogy . Is it a part of the duty of this Department to furnish information to American tourists ?

The Honourable Mr J. Crerar : The Department is prepared to give information so far as matters on public record are concerned to all persons who desire to study the conditions of the country. I may add they are equally prepared to obtain similar facilities for Indian travellers who desire to visit European countries.

Mr. K C. Neogy : Will the Government kindly state whether this Department institutes any enquiry as to what use the materials placed at the disposal of the travellers would be put to ?

The Honourable Mr. J. Crerar : The matter supplied is all contained in public documents. Under no circumstances, is any access given to confidential documents.

Mr. K. Ahmed Is it a fact that one of the functions of this Department is to spend money on secret service ?

The Honourable Mr J. Crerar : No, Sir

Pandit Hirday Nath Kunzru : May I ask for an answer to part (*c*) of my question ? What proportion of their work consists in the supply of information either to Indians or Europeans ?

The Honourable Mr J. Crerar : I am afraid I should have to make a more extensive examination of the records of the Department than I have been able hitherto to do to give any arithmetical reply to that question

Pandit Hirday Nath Kunzru : Will the Honourable Member give an approximate answer ?

Lieut-Colonel H A. J. Gidney : Is it not a fact that it is the duty of this Department to supply information to the public ?

The Honourable Mr. J. Crerar On matters coming within the scope of their functions.

Mr. K. C Neogy : Is it a part of the duty of the officers of this Department to canvass for votes in this House ?

Mr. K Ahmed : Are the Government aware that there is a strong feeling among the elected Members of this Assembly that they are not allowed to criticise the functions or actions of the officers of the Bureau of Public Information ? It has been referred to by successive Home Members from Sir Malcolm Hailey onwards that this Department has to do some secret service which is beyond the sphere of the Members of this Assembly to enter into. (Laughter.)

FUNCTIONS OF THE BUREAU OF PUBLIC INFORMATION IN CONNECTION WITH THE VIEWS AND POLICIES OF GOVERNMENT.

1201. ***Pandit Hirday Nath Kunzru** : (*a*) Is the Bureau intended to explain and popularize the views and policies of Government when they are in conflict with Indian views and policies

(*b*) Are its officers freer from Government control than other Government servants because they are the agents of Government for official propaganda ?

The Honourable Mr. J. Crerar : (*a*) I would refer the Honourable Member to the answer I have given to part (*a*) of his question No. 1200.

(*b*) The officers of the Bureau, like all Government servants, are governed by the Government Servants' Conduct Rules

Pandit Hirday Nath Kunzru : May I know if they are allowed to write to newspapers in this country ?

The Honourable Mr J. Crerar : Yes, Sir, in so far as subjects which are within their function are concerned.

Mr. Gaya Prasad Singh : Is this Department in any way analogous to the C. I D. ?

Mr. M. R Jayakar : Are they propagandists of Government views ?

The Honourable Mr. J. Crerar : No, Sir.

Mr M S Aney . Will Government once for all place on the table a statement showing the proper functions of this Department for the information of all ?

The Honourable Mr. J. Crerar : That, Sir, is contained in my reply to question No 1200

Mr. K. C. Roy : Is it a fact that the functions of this Department were defined by the Committee over which Sir Tej Bahadur Sapru presided ?

The Honourable Mr. J Crerar · There was an Advisory Committee appointed and there is still an Advisory Committee in existence.

Mr. K. C Roy : Will the Government be pleased to lay on the table the report of the Sapru Committee so that Members may know exactly what the functions of this Department are ?

Mr. M Ruthnaswamy : Are any other Government servants allowed to contribute to newspapers ?

The Honourable Mr. J. Crerar : Subject to the Government Servants' Conduct Rules, they are.

Mr A Rangaswami Iyengar : Sir, may I know how many meetings of this Advisory Committee have so far been held and what have been its proceedings ?

The Honourable Mr. J. Crerar : I must ask for notice of that.

Mr Gaya Prasad Singh · Will the report of that Committee be laid on the table ?

The Honourable Mr. J. Crerar : I will consider that

Pandit Hirday Nath Kunzru : May I know whether the information communicated to the Press by these officers is published over their own signatures or as editorial paragraphs and leaders ?

The Honourable Mr. J. Crerar : Newspapers rarely publish articles over the writers' signatures.

Mr. Gaya Prasad Singh · We should like to hear Mr. Coatman !

Mr. M Ruthnaswamy · Will the Honourable Member give us some idea of the restrictions imposed on Government servants by the Government Servants' Conduct Rules in regard to their contributions to the Press ?

The Honourable Mr J. Crerar I would invite the attention of the Honourable Member to the rules themselves.

Pandit Hirday Nath Kunzru : May I know if these officers write to newspapers in England and America ?

The Honourable Mr. J Crerar . Yes, Sir , contributions are not limited to the Press in this country

Pandit Hirday Nath Kunzru : May we know, Sir, on what occasions the Publicity Department during the last 12 months contributed articles to the foreign press ?

The Honourable Mr J Crerar . I think, Sir, that is a notice question.

Mr. K. C Neogy : Are these contributions made solely in the interests of India ?

The Honourable Mr. J. Crerar : Yes, Sir

Mr. K. C. Neogy : Do the officers concerned get any remuneration for their contributions ?

The Honourable Mr. J. Crerar : I think that in the majority of cases, at any rate, the contributions are purely honorary.

Pandit Hirday Nath Kunzru : Do they write under instructions from Government or on their own initiative ?

The Honourable Mr. J. Crerar . Under general instructions, in particular cases, on their own initiative

MESSING ARRANGEMENTS OF MEMBERS OF THE UNIVERSITY TRAINING CORPS OF THE UNITED PROVINCES WHILE IN CAMP.

1202. ***Pandit Hirday Nath Kunzru** : (*a*) Is it a fact that members of the United Provinces University Training Corps have been informed that they will be supplied with uncooked rations in accordance with the scale fixed for Indian soldiers and given 2 as. 6 p. a day during the next annual camp ?

(*b*) Are Indian soldiers supplied with sugar and fuel free of cost as part of their rations and will the members of the University Training Corps have to pay for both these things out of their daily allowance of 2 as. 6 p. ?

(*c*) Will the various detachments also have to pay the cooks which they are required to bring with them out of the daily allowance referred to above ? If so, why ? Will the new arrangement cost Government more than the contract system under which the University Training Corps were fed till last year ?

(*d*) Is it a fact that the scale of rations fixed for the University Training Corps is lower than that fixed for British soldiers ? If so, how do Government justify this difference.

Mr. G. M. Young : Government have no information of the details mentioned by the Honourable Member. Arrangements for the messing of members of the University Training Corps while in camp are left entirely to the University authorities concerned, to whom Government make a lump sum grant for the purpose.

Pandit Hirday Nath Kunzru : Do I understand that the sum contributed this year is the same as that which was contributed last year ?

Mr. G. M. Young : The sum is Rs. 3,500 for 15 days' training.

Pandit Hirday Nath Kunzru : May I know whether the sum this year is the same as last year ? I have not been able to hear the Honourable Member.

Mr. G. M. Young : I don't know, Sir There is a fixed sum which is Rs. 3,500 for 15 days' training. I believe it was the same last year as it is this year.

Pandit Hirday Nath Kunzru : May I know in this connection, Sir, whether in accordance with the recommendations of the Auxiliary Force and Territorial Force Committee, the University Training Corps is to be regarded as a provincial or an urban unit ? The point of my question is that the Auxiliary and Territorial Forces Committee recommended that members of urban units should be paid extra messing charges at the rate of 5½ annas per day

Mr. G. M. Young : I am not prepared to go into the general questions of urban and provincial units As regards the present question, Government have no information of the details ; they make a lump sum grant to the Universities and the Universities use it according to their own discretion. No complaints have been received from any University so far that this grant is inadequate.

Pandit Hirday Nath Kunzru : Whose duty will it be to carry out the recommendations of the Auxiliary and Territorial Forces Committee, if not that of the Central Government ?

Mr. G M. Young : I do not see how that question arises.

Pandit Hirday Nath Kunzru : Is it not the fact that while the Auxiliary Force and Territorial Force Committee, whose recommendations have been accepted, recommended that 5½ annas per day should be paid as an extra messing charge, the members of the Corps only receive 2½ annas per day now ?

(No answer was given.)

Pandit Hirday Nath Kunzru : With regard to part (*d*), will Government enquire why the rations supplied to the members of the University Training Corps are on a lower scale than that applicable to Indian soldiers ?

Mr. G M. Young : No, Sir ; Government do not propose to enquire into any of these details As I have already informed my Honourable friend, the arrangements for the messing of the University Training Corps while in camp are left entirely to the University authorities concerned Government make a lump sum grant. If the sum is insufficient, doubtless the Universities will make representations to that effect.

Pandit Hirday Nath Kunzru : Is the Honourable Member aware that the arrangements are made not by the University authorities but by the Adjutant ?

Mr. G M. Young : No, Sir ; I am not aware of that.

Pandit Hirday Nath Kunzru : Will the Honourable Member be good enough to enquire into that ?

Mr G. M. Young : No, Sir. The arrangements are left entirely to the Universities · the Adjutant has no instructions from Government to make the arrangements instead of the Universities.

Pandit Hirday Nath Kunzru : If the lump sum grant is not raised by Government, how is the University going to give 5½ annas per day as recommended by the Auxiliary Force and Territorial Force Committee ?

ISSUE OF RIFLES TO THE UNITED PROVINCES UNIVERSITY TRAINING CORPS.

1203. ***Pandit Hirday Nath Kunzru** : When do Government propose to issue rifles to the United Provinces University Training Corps ?

Mr. G. M Young : The Honourable Member is referred to part (*b*) of my answer to his starred question No. 514.

Pandit Hirday Nath Kunzru : May I know whether since that question was answered, Government have taken any steps to supply rifles to the University Training Corps ?

Mr. G. M. Young : Government were taking steps when my Honourable friend asked his question. They are still taking steps.

Pandit Hirday Nath Kunzru : Have they taken any further steps, or are they still at the same stage ?

Mr. G. M. Young : They are proceeding with the same steps, Sir.

PROPORTION OF LEWIS GUNNERS IN UNIVERSITY TRAINING CORPS.

1204. ***Pandit Hirday Nath Kunzru** : Is it a fact that every Indian infantry battalion is supposed to consist of 75 per cent riflemen and 25 per cent Lewis gunners ? Does this rule apply to the Indian Territorial Force or the University Training Corps ? If not, why not ?

Mr. G. M. Young : The proportion mentioned in the first part of the question is approximately correct The answer to the second part is in the negative. The University Training Corps are not supplied with Lewis guns because they are not liable for military service The period of training for other units of the Indian Territorial Force is not long enough to permit of instruction in the use, mechanism and tactical handling of Lewis guns. The first essential is to train men fully in the use of the rifle.

Pandit Hirday Nath Kunzru : Did the Auxiliary Force and Territorial Force Committee recommend any difference between the training given to the University Training Corps and to the Indian Defence Force simply because they recommended that the University Training Corps should not be liable for general service ?

Mr. G. M. Young : I understand the Honourable Member to be asking me questions on the contents of the Report of the Auxiliary and Territorial Forces Committee of which he appears to have a copy in his hand I have not

Pandit Hirday Nath Kunzru : May I ask, since it concerns the Honourable Member's Department, whether there need be any difference between the training given to the University Training Corps and the training given to the Indian Defence Force simply because the University Training Corps is not to have any liability for general service ?

Mr. G. M. Young : That, Sir, is a question of opinion.

Pandit Hirday Nath Kunzru : May I ask whether it is not a question of fact, the matter being entirely in the power of the Government of India ?

Mr. G. M. Young : As I heard the Honourable Member's question, it was not a question of fact

Pandit Hirday Nath Kunzru : May I know whether there is any warrant in the Auxiliary and Territorial Forces Committee's recommendations for making any distinction between the training given to the University Training Corps and the training given to the Indian Defence Force ?

OFFICIAL ASSISTANCE TO MISS MAYO IN COLLECTING MATERIALS FOR HER BOOK "MOTHER INDIA".

1163. ***Mr. M. S. Aney** : (*a*) Has the attention of the Government of India been drawn to Miss Mayo's book "Mother India" and the numerous statements regarding India and Indian people contained therein ?

(*b*) Is it a fact that Mr. Coatman, Head of the Publicity Department of the Government of India, was associated with Miss Mayo in collecting materials for her book ?

(*c*) Is there any truth in the rumour that Miss Mayo was in some way or other subsidised by the Scout Service Funds ?

(*d*) Is it a fact that Mr. Coatman saw the proofs of the book ?

(*e*) Will the Government find out and disclose the names of such officials as helped Miss Mayo in the collection of materials of that book or in writing it ?

The Honourable Mr J. Crerar : (*a*) Government have seen the book.

(*b*), (*c*) and (*d*) There is no truth whatever in these suggestions and I should like to repudiate them emphatically I would also refer the Honourable Member to the Foreword to the book itself, in which the author expressly states that she submitted the manuscript of the book to no one connected with official life

(*e*) Government have no reason to suppose that any official gave Miss Mayo any assistance beyond what is given to any member of the public.

ISSUE OF A CONTRADICTION TO THE NUMEROUS ALLEGATIONS CONTAINED IN MISS MAYO'S BOOKS "MOTHER INDIA" AND "ISLES OF FEAR".

1164. ***Mr. M. S. Aney** (*a*) Will the Government be pleased to state whether they have issued any instructions to the Head of the Publicity Department to promptly issue any book or pamphlet to give an authoritative contradiction to any of the numerous allegations contained in the two books of Miss Catherine Mayo "Mother India" and "Isles of Fear" ?

(*b*) If not, will the Government be pleased to say whether they propose to do so hereafter ?

(*c*) If not, why ?

The Honourable Mr. J. Crerar : (*a*) and (*b*) Government have not given and do not propose to give such instructions

(*c*) They do not consider that such instructions would serve any useful purpose

Mr. K. C. Neogy : Do Government attach any importance to the resentment that has been caused among the public by this book ?

The Honourable Mr. J Crerar : Government have naturally observed that with interest and concern.

Mr. K. C Neogy : Are Government in sympathy with the statements that have appeared in this book ?

The Honourable Mr. J. Crerar : That, Sir, is rather too general a question for me to reply to either affirmatively or negatively.

Mr. M. R. Jayakar : Does that book represent the opinions of Government on the culture and traditions of Indians ?

The Honourable Mr. J. Crerar : I have already explained that Government accept no responsibility for what has appeared in this book.

Mr. K. C Neogy : Is the Government attitude one of neutrality in this matter ?

(No answer)

Mr K. C. Neogy : Do Government possess any opinion on the statements contained in the book ?

The Honourable Mr J. Crerar : The Honourable Member is asking for an opinion

Mr. K. C Neogy : Do Government possess any opinion at all ? That is not a question of opinion, but of fact.

Mr. B Das : Are Government going to proscribe that book ?

Mr. K Ahmed : In view of the fact that there is great commotion and disorder in the House and in the country, do Government propose.....

Mr. President : Order, order.

Mr K. Ahmed The question arises, Sir, and I am entitled to put supplementary questions May I know under what rule or standing order the Chair rules me out of order ?

Mr President : Order, order. Mr Aney.

DATE OF APPOINTMENT OF MR BOOTH AS POSTMASTER GENERAL IN THE PUNJAB.

1165. ***Mr. M. S. Aney** : (*a*) When was Mr. Booth first appointed to assume charge of the post of Postmaster General in the Punjab ?

(*b*) For what time during the aforesaid period has he been at Lahore and Simla, respectively ?

(*c*) Is the Postmaster General provided with Government quarters both at Lahore and Simla and, if so, at what rent per annum ?

Mr H. A Sams : (*a*) 23rd March, 1922

(*b*) For 7 and 5 months respectively in a year.

(*c*) No

QUESTIONS NOT PUT, WITH ANSWERS TO THE SAME

REVERSAL OF THE JUDGMENT IN THE RAJPAL CASE.

1162. ***Maulvi Badi-uz-Zaman** : (*a*) Are the Government aware of the decision of the test case in the *Vartman* case delivered by the Division Bench of the Lahore High Court ?

(*b*) Are the Government aware that Indian Muslims throughout the country have censured the Rajpal judgment in the strongest possible language ?

(c) Are Government aware of the feelings of Muslims in this matter, to the effect that they can never be satisfied unless the Rajpal judgment which has been the cause of serious disturbance in the country is reversed ?

(d) Do the Government propose to take steps to set aside the Rajpal judgment delivered by a single bench consisting of Mr. Justice Dalip Singh of the Lahore High Court ?

(e) Do the Government of India propose to instruct the Local Government to take further action against one Rajpal, the publisher of *Rangila Rasul* ?

The Honourable Mr. J. Crerar : (a) Yes

(b) and (c). Government have seen reports of meetings and resolutions.

(d) and (e). No.

REBATES OFFERED BY HEAVY STEEL MANUFACTURERS OF THE UNITED KINGDOM ON JOISTS AND OTHER MATERIALS

1174. ***Mr. Jamnadas M. Mehta** : (a) Has the attention of Government been drawn to Reuter's telegram from London, dated 1st September 1927, stating that 28 firms of heavy steel manufacturers of the United Kingdom are offering a rebate from 2nd September of seven shillings six pence per ton on joists and five shillings per ton on other materials ?

(b) Have Government considered the effect of this step on the Indian steel industry ? And do Government propose to take any further steps to protect the industry ?

The Honourable Sir George Rainy : The Government of India have seen the telegram referred to, but a British official wireless message of the same date states that the rebate will be given only to home consumers. If this is correct, the rebate should have no effect on the Indian steel industry.

APPOINTMENT OF ASSISTANT ACCOUNTANT IN THE CALCUTTA PORT TRUST.

1175. ***Mr Jamnadas M. Mehta** : (a) Are Government aware of the strong feeling of resentment in commercial and other circles in Calcutta against the contemplated appointment of a European as the Assistant Accountant in the Calcutta Port Trust ?

(b) Have Government received any protests from public bodies in this behalf ?

(c) What steps do Government propose to take in order to prevent their policy of Indianisation being departed from by the Calcutta Port Trust ?

The Honourable Sir George Rainy : (a) and (b). The Port Commissioners, Calcutta, have invited applications from fully qualified Chartered Accountants, European or Indian, and not from Europeans only. Government have seen protests in the Indian Press against the qualification demanded, and have received representations on the subject from the Indian Chamber of Commerce, the Marwari Association, and the Bengal

National Chamber of Commerce, Calcutta, and the Indian Merchants Chamber, Bombay.

(c) Under section 34 of the Calcutta Port Act, appointment to this post, which carries a monthly salary of less than Rs 1,000, does not require the previous sanction of Government. The Government of India have, however, requested the Government of Bengal to forward the representation of the Indian Chamber of Commerce to the Port Commissioners for their careful consideration

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SHORT NOTICE QUESTION AND ANSWER

INDIAN DELEGATION TO THE 11TH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE.

Mr. Sarabhai Nemchand Haji : With your permission, Sir, I beg to ask two questions of which the Honourable Member for Industries and Labour has been good enough to accept short notice.

1 (a) Will the Government please state the clauses of the Treaty of Versailles under which they have made the following statement in a recent communiqué regarding the nomination of the Indian Delegation to the 11th Session of the International Labour Conference to be held in Geneva in 1928 " in selecting the Delegates for Employers and Labour the Government of India will attach due importance to the recommendations made by organised representative associations of employers and employed ?

(b) Do the words " organised representative associations " cover non-Indian national organisations in India ?

(c) If so, will the Government please state how they reconcile it with the definite findings of the Credentials Committee of the Ninth Session of the Conference that " the representation of a country at the General Conference should be a national one " ?

2 Will the Government please state if they propose to send to the next International Labour Conference as many Advisers of the Employers' and Workers' Delegates as are provided for by the Treaty of Versailles.

The Honourable Sir Bhupendra Nath Mitra : 1. (a) Article 389.

(b) In the view of the Government of India important organizations composed of employers or workers in India cannot be debarred from participation on racial grounds.

(c) In precisely the same way as the Credentials Committee reconciled the opinion quoted by the Honourable Member with their recommendation that Sir Arthur Froom's credentials should be validated by the Conference.

2. Government have not yet considered the question.

Mr Sarabhai Nemchand Haji : With regard to 1 (c) of the statement of the Honourable Member that the Credentials Committee accepted the nomination of Sir Arthur Froom, is it true that the Credentials Committee laid down that that nomination of Sir Arthur Froom was valid for the purpose of that particular conference which was a shipping conference ?

The Honourable Sir Bhupendra Nath Mitra : I would refer the Honourable Member to the proceedings of that Credentials Committee. He was present at Geneva and tried his best to persuade them to accept his opinion in regard to Sir Arthur Froom's nomination. He failed in his efforts.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Council of State :

"I am directed to inform you that the Council of State have, at their meeting held on the 19th September, 1927, agreed without any amendments to the following Bills which were passed by the Legislative Assembly on the 14th September, 1927 :

A Bill further to amend the Cantonments Act, 1924, for certain purposes

A Bill to amend the Indian Emigration Act, 1922, for a certain purpose

A Bill further to amend the Indian Income-tax Act, 1922, for certain purposes.

RESOLUTION *RE* MANUFACTURE AND SALE OF KHADI—*contd.*

Mr. President : The House will now resume further discussion of the following Resolution moved by Mr. Ram Narayan Singh on the 13th September 1927

"This Assembly recommends to the Governor General in Council to start Khadi (hand-spun and hand-woven clothes) depôts in each provincial capital with branches in each district therein for the manufacture and sale of Khadi under the entire management of the local Provincial Congress Committee and to set apart at least a sum of one crore of rupees for the purpose in the next annual Budget."

Mr Ram Narayan Singh (Chota Nagpur Division : Non-Muhammadan) : With your permission, Sir, I beg to state that this Khadi Resolution is a very important one and its importance requires that there ought to be a large attendance in the House and a good many Members ought to take part in this discussion. As the House has grown rather thin, I am afraid, full justice will not be done to the subject. I, therefore, beg leave of the House to withdraw the Resolution. My friends have also advised me to do so I beg to add one thing more ....

Mr. President : The Honourable Member is not entitled to make a speech on a motion that leave be given to him to withdraw his Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

RESOLUTION *RE* PENSIONS OF THE EMPLOYEES OF THE TELEGRAPH DEPARTMENT

Mr. K C Neogy (Dacca Division : Non-Muhammadan Rural) : With your leave, Sir, I will move the Resolution that stands in the name of the Honourable Mr. Jamnadas Mehta, and runs as follows

"That this Assembly recommends to the Governor General in Council to be pleased to revise the rules and regulations relating to the pensions of the employees of the Telegraph Department to make them equitable and just by providing :

(1) that an employee rendering 21 years' net service, *i.e.*, excluding any kind of fundamental leave, shall, on being invalided, be in receipt of half the average pension ;

[Mr. K. C. Neogy.]

(2) that an employee rendering 25 years' net service as above shall receive a retiring pension of five-eighths of average pay and in addition a bonus of one year's pay ;

(3) that an employee rendering 30 years' net service shall receive five-eighths of average pay and in addition a bonus of 15 months' pay."

Sir, I regret the circumstances which have not enabled my Honourable friend Mr. Jamnadas Mehta to be present in this House to move the Resolution himself I do not propose to take the House into any very great details in regard to all the items mentioned in this Resolution, but I will beg of them to extend their sympathy to the general principle which underlies this Resolution and which I think can be stated in a very few words The conditions of service in the Telegraph Department are particularly hard, and in view of that fact the pension rules should be relaxed for the benefit of the members of that particular branch of the public service Sir, there are three very serious statements made in support of this contention The first is that in the majority of cases the members of the telegraph service die before they reach the age of retirement The second is that in about 90 per cent. of cases the officers after retirement do not live beyond five years to enjoy their pension. The third is that, although theoretically a telegraphist is held to be entitled to full pension after 30 years' service for all practical purposes he puts in 37 years of active service having regard to the fact that he does not enjoy any holidays I do not vouch for the accuracy of these allegations, and all I can say is that when they are made they are certainly serious enough to merit an inquiry at the hands of Government Sir, it may be that service conditions in certain other branches of the public service may be quite as onerous as in the Telegraph Department , and if that be so, then the enquiry that I suggest might not necessarily be confined to the Telegraph Department. However, Sir, that raises a very wide issue which, I am afraid, will not fall within the scope of the department of which my Honourable friend Sir Bhupendra Nath is in charge. I mention this point particularly because the Honourable Member in charge is responsible for the administration of the Labour Department which concerns itself with the welfare of the working classes generally, and as the Honourable Member particularly is responsible for the administration of such humanitarian measures as the Workmen's Compensation Act and other measures of a similar character, I naturally expect a greater degree of sympathy from him than from other Members of Government when I put forward this claim for an inquiry. If, as a matter of fact, service conditions in any particular branch of the public service really cut short a man's natural span of life, then surely it is a case in which these conditions and pension rules should be suitably revised. I do not think I need say anything more to commend this suggestion of mine to the Government, but before I sit down, I want to make it clear that it is not my intention to press this Resolution, and that I am perfectly willing to withdraw it if my Honourable friend Sir Bhupendra Nath Mitra can hold out a hope that an inquiry into the facts I have mentioned will be made.

Mr N. M. Joshi (Nominated : Labour Interests) : Sir, while supporting this Resolution, I wish to confine myself to the case of the telegraph peons and to what is called the line staff Sir, the employees belonging to the Telegraph Department other than the telegraph peons and the line staff and other menials in the offices at least get their pension on

a superior scale according to the Civil Service Regulations, but unfortunately the telegraph peons and the line staff are considered to belong to an inferior service and not to what is called the superior service and get pension on an inferior scale. I have spoken on this point in this House several times, and I take this opportunity again to bring to the notice of the department concerned that there is no justification for making this distinction. They consider the postmen to belong to the superior service, while the telegraph peons who do the same kind of work are considered to belong to the inferior service and are therefore given inferior rates of pension. I hope, Sir, the department will see their way to do justice to the telegraph peons and the line staff belonging to this department. Sir, in the case of the telegraph peons, as my Honourable friend Mr. Neogy has pointed out, there are special conditions why they should not only get pension according to the superior Civil Service Regulations, but according to a scale better than the ordinary regulations Sir, about two or three years ago I asked a question in this House whether Government will make inquiries as to why the telegraph peons die earlier than other employees of the Government do. The Government of India at that time refused to make an inquiry. I hope, Sir, in the interests of their poor employees the Government of India will not persist in refusing to make an inquiry into the fact whether the telegraph peons die a somewhat premature death.

Sir, there is another difficulty in the case of these telegraph peons. These peons are examined periodically by doctors, and if they are found unfit, they get a much smaller pension than they would ordinarily get. I hope, Sir, the Government of India will either do away with the medical examination of the telegraph peons or that they will introduce medical examination for their superior servants as well. It is not only the telegraph peons and the inferior staff who suffer in health by old age or by any other reason. There are many superior officers who do not maintain a uniform state of health throughout their service If these superior officers are also examined periodically, I am quite sure a fair proportion of them will have to be retired every year.

Sir, unfortunately, these telegraph peons and the line staff are considered to belong to the inferior staff, and the trouble with the Government of India is that, when a body of men are stamped as belonging to an inferior service, they do not find time to listen to their grievances and to remedy them. These telegraph peons are considered to be menials. The question of these menial servants was placed before Government several times by us through questions, and for the last four years I have been receiving one stereotyped reply, namely, that the question is being considered by the Government of India Sir, since I first asked this question about the pension of menials, the Lee Commission has sat and reported, and most of the superior officers have got concessions in pay, prospects, leave rules and passage, and various other concessions But, Sir, during all these years the Government of India are still considering the question of the pension of menials I do not know when they will find time to look into this question

Then, Sir, there is one more point on which I should like to say a few words. As these menials and telegraph peons are said to die prematurely, it is better that in their case the Government of India should

[Mr. N. M. Joshi.]

introduce a provident fund system instead of the pension system, or let these people be given the choice between pension and provident fund. Sir, even in the case of the provident fund, the Government of India are indifferent. Questions have been asked several times, and every time the Government of India say that the question is being considered. Sir, I wish you to tell me whether there is any other method by which you or I can make the Government of India move in the case of these poor people.

Sir, there is only one more point on which I should like to say one word. The Government of India give pensions to their superior servants on a superior scale As a matter of fact, I feel, Sir, that if any distinction is to be made between the superior and the inferior servants, there should be a discrimination in favour of the inferior servants. The superior servants are paid very generously by the Government of India.

12 NOON

It is quite possible for the superior service who get Rs. 2,000 a month or Rs. 3,000 a month or Rs 80,000 a year to save something out of their pay for their old age. But it is not possible for a man who gets Rs. 10, or 15 or 20 a month to save anything out of the small pay to make provision for his old age. I therefore feel, Sir, that the Government of India will show some sense of justice and bring the pension scales of inferior servants to at least the ordinary scales of civil servants I hope, Sir, that the Government of India will inquire into this matter and will not take up much more time to do justice to the bulk of their employees

I support this Resolution

Mr. B. Das (Orissa Division : Non-Muhammadan) Sir, before I heard my Honourable friend Mr Neogy I was determined in my mind that I would oppose this Resolution. This Resolution reminds me of another Bill which we have made into an Act, namely the Cotton Yarn Protection Bill The millowners were agitating for protection This is in the same line. The vested interests clamour for more and more help. The vested interests of the telegraphists are here demanding special scales of pay and pension which, if the Government were to introduce in one department, they would have eventually to concede in other departments and from what we know of the Honourable the Finance Member he will not permit any extra money going into the pockets of the employees of the Government of India. But I would like to confine my remarks to this Resolution. It has given my friend Mr. Joshi an opportunity to air the grievances of peons and menials on whose behalf he can speak with great authority, and in case the Honourable the Industries and Labour Member is going to consider sympathetically the concession of these pension rules, he will have to concede first Mr. Joshi's point and then the interests of the telegraphists in Bombay and Calcutta But in my opinion and in the opinion of many Members in this part of the House, some people are getting fat salaries and fat benefits which the Indian element in the Telegraph Department have always been deprived of and they have always admitted this. With these remarks, I hope the Honourable Member for Industries and Labour will give Mr Neogy such an assurance as will satisfy him and enable him to withdraw his motion.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I confess I find myself in the same difficult position in which my Honourable friend Mr. Neogy found himself placed. He tried to persuade this House to support a measure without being sure of the facts of which he was talking. His main point was that he had heard somewhere and from somebody that the mortality among the telegraphists was higher than that in any other branch of the public service.

Mr. N. M. Joshi : Telegraph peons.

The Honourable Sir Bhupendra Nath Mitra : My friend Mr. Neogy was referring to telegraphists He was on quite a different track from my Honourable friend Mr. Joshi. Now, Sir, the information which we have managed to collect shows that the mortality among telegraphists during the period of their service is no greater, and certainly not substantially greater, than the mortality in the rest of the public service. Well, that throws out the most important of my Honourable friend's hypothetical assumptions. That being so, Sir, so far as the particular body of people with whom he was dealing are concerned, the question of special concessions does not arise And that is the only answer I have to give to my Honourable friend Mr Neogy My friend Mr Joshi tried to bring within the purview of this limited Resolution certain other grievances of other people in whom he takes a great interest , and here again, as he had not had the time to work out his case, he placed before the House a number of misstatements.

Mr. N. M. Joshi : I did not.

The Honourable Sir Bhupendra Nath Mitra : As I listened to his speech, I was amused, when I heard that a telegraph line man belonged to the inferior service and that the scale of pension for the inferior service was something outside the scope of the Civil Service Regulations.

Mr. N. M Joshi May I explain, Sir, that the pension given to these menials may be within the scope of the Civil Service Regulations, but the pensions given to them are on a smaller scale than the pensions given to what is called the superior service That is my grievance.

The Honourable Sir Bhupendra Nath Mitra : That may be so. But their scale of pay also is lower than the scale of pay of various officials in superior service But that is not the proposition we were dealing with. The Resolution is confined to the grievances of a certain class of telegraph employees It does not cover the wider ground of the pensions of all the inferior servants of the Government of India If my Honourable friend Mr. Joshi wants to discuss that proposition on the floor of the House, it is open to him to bring forward a separate Resolution.

Mr. N. M. Joshi . May I point out, Sir.

Mr. President Order order I cannot allow the Honourable Member to go on interrupting the speaker now and again

The Honourable Sir Bhupendra Nath Mitra Now, Sir, in view of the facts which I have set forth, I should advise the House very strongly to negative the particular Resolution which has been brought forward by my Honourable friend Mr Neogy I have nothing further to add on the subject

Mr. N. M. Joshi : May I say, Sir, one word ?

Mr. President : The Honourable Member has no right to make a second speech.

Mr. N. M. Joshi : I am not making a second speech.

Mr. President : Will the Honourable Member resume his seat ?

Mr. K. C. Neogy : Sir, I do not think my Honourable friend, Sir Bhupendra Nath Mitra, was quite kind to me when he assumed that I was referring to certain gossip which I had heard in the bazaar when I made those statements. As a matter of fact, I had in my hand a statement prepared on behalf of a responsible trade organisation representing the Telegraph Department and the three points that I mentioned find place in this particular memorandum. Sir, I do not know why my Honourable friend is particularly keen on throwing out this Resolution. I never expressed my intention to press it on the House at all, and this strikes me as being rather unkind on his part. I should have thought that he would give a little more time to this question and make a more thorough inquiry than it has been possible for him to make into the allegations to which I have drawn attention. Admittedly he himself is not very sure of his ground, because I should have expected him to give me slightly more definite details with regard to the mortality statistics in the Telegraph Department. As the Honourable Member is in charge of the Labour Department, surely it is not wrong on our part to expect him to be a little more sympathetic. When an allegation is made in regard to the higher rate of mortality in this particular branch, surely it is the duty of the Honourable Member in charge to make a thorough investigation into the allegations. And before he is in a position to satisfy this House that there is nothing absolutely in that allegation, he should not ask this House to negative this Resolution. Sir, I beg leave of the House to withdraw my Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

Pandit Thakur Das Bhargava (Ambala Division : Non-Muhammadan) : Sir, for certain reasons I am constrained to submit that I do not wish to move this Resolution* to-day, and I beg leave to withdraw it.

Mr. V. V. Jogiah (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : I too, Sir, beg leave to withdraw my Resolution†.

Kumar Gangnand Sinha (Bhagalpur, Purnea and the Santhal Parganas : Non-Muhammadan) : In view of the fact that there is a very thin attendance in the House I do not want to risk my Resolution ‡. I shall bring it up later on.

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* "This Assembly recommends to the Governor General in Council that the policy of the railway administration in India be immediately Indianized, and further recommends that the Railway Board should have a majority of Indians and no future appointment should go to a non-Indian until the majority is secured to and maintained for Indians."

† "This Assembly recommends to the Governor General in Council to take steps, at an early date, to constitute the contiguous Telugu-speaking areas in the Madras Presidency into a separate Province for all legislative, administrative and judicial purposes."

‡ "This Assembly recommends to the Governor General in Council that he may be pleased to take immediate steps to stop the exportation out of India of sacred objects and of Indian antiquities, manuscripts, works of ancient art and such other things as are either national heirlooms and are objects of national pride or are necessary for a proper understanding and appreciation of India's past and for the study and reconstruction by Indians of the history of ancient and mediæval India."

MOTION *RE* PRIVILEGES AND STATUS OF MEMBERS OF THE LEGISLATIVE ASSEMBLY.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I beg to move the motion which stands in my name and which runs as follows:

"That this Assembly do appoint a Committee under the Chairmanship of the Honourable the President and consisting of the Honourable Members named below, to enquire into the privileges and status of Members of this Assembly and to make recommendations:

(1) The Honourable the Home Member.
(2) The Honourable Sir Bhupendra Nath Mitra
(3) Mr. K. C. Roy.
(4) Nawab Sir Sahibzada Abdul Qaiyum.
(5) Pandit Motilal Nehru
(6) Lala Lajpat Rai
(7) Mr M. A. Jinnah
(8) Mr Shanmukham Chetty
(9) Pandit Madan Mohan Malaviya.
(10) Sir Purshotamdas Thakurdas, and
(11) the Mover"

Sir, the motion which I am moving to-day before the House ought to have been brought before the House long before this

Mr. President: Is the Honourable the Home Member in charge of this motion on behalf of Government?

The Honourable Mr. J. Crerar (Home Member). I am prepared to deal with the matter, Sir.

Maulvi Muhammad Yakub: In fact, the subject matter of this motion ought to have formed the subject of inquiry by the Southborough Committee and the status and privileges of Members of this House should have been formulated in the form of regulations as soon as the Legislative Assembly came into being. As a result of their not being so formulated in the form of such regulations we, the Members of this House, are deprived of all the privileges which are enjoyed by the Members of other Parliaments within the British Empire, nor do we possess any rights, privileges or status in the public life of the country or on ceremonial occasions as Members of the Legislative Assembly Even the name of the Legislative Assembly has been removed from the Warrant of Precedence. It is for this reason, Sir, that I consider it necessary to move the present motion before the House The Muddiman Committee on their own initiative took up this question, but there being no material before them, they were unable to go into the details of the question. The Muddiman Committee in their report have said:

"It has not been suggested to us from any source that Legislatures in India should be provided with a complete code of powers, privileges and immunities as is the case with most of the Legislatures in other parts of the Empire"

Notwithstanding this, Sir, the Muddiman Committee made certain recommendations. They made three recommendations. First they recommended that Members of the Legislative Assembly should be exempted from serving as jurors and assessors, secondly, immunity from arrest and imprisonment for civil causes during meetings of the Legislature in question and for periods of a week before and after such meeting, and their third

[Maulvi Muhammad Yakub.]

recommendation was that the corrupt influencing of votes within any of the legislative bodies by bribery, intimidation and the like should be made a penal offence. But this should not be dealt with, as at present, as a question of privilege All these three recommendations have now been put on the Statute-book in the form of rules and regulations, but as the Muddiman Committee themselves said, these recommendations were not really in the nature of privileges of Members of the House. There are several other questions which have come up before the House during the last few years in which the necessity of such regulations has been very keenly felt by the House For instance, Sir, one Honourable Member of this Assembly after having been duly elected by his constituency and after having received an invitation from His Excellency the Governor General to attend the Assembly was not allowed by the Executive authority of the country to attend the House and he was absent throughout the whole Session This is a question which will form the subject of discussion by the Committee which I am proposing Only the other day we saw in the papers that the house of another Honourable Member of this House, while he was attending this Session of the Assembly in Simla, was searched at Lahore by the local authorities. This question also should be discussed by the Committee and we must see how far such action can be taken against Members of the Assembly while they are attending a session Then, Sir, the question of allowance and residence may also come up before this Committee if the amendment of my Honourable friend Mr. Das is accepted by the House. These and many other questions of a similar kind are very necessary to be discussed Honourable Members of the other House were more vigilant in this respect A similar motion was moved in the Council of State as long ago as 1926 by my Honourable friend Mr. K. C. Roy, who, I am glad, has now been degraded to this House, and whose name I have placed on my Committee. Unlike the Honourable Members of the Council of State, I will not press that the question of the prefix of "Honourable" should form a subject for discussion by my Committee, because I consider that all the Members of the Assembly are Honourable without borrowing feathers from anybody With these words, Sir, I beg to move the motion which stands in my name.

Kumar Ganganand Sinha : I move, Sir, that the name of Mr. K V. Rangaswami Ayyangar be added to the Committee.

Mr. President : The question is :

"That the name of Mr K V Rangaswami Ayyangar be added to the Committee"

The motion was adopted

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I beg to move the amendment standing in my name, namely :

"That after the words 'to enquire into the privileges' the word 'allowances' be inserted ,

That the following names be added at the end

Mr. K C Neogy, and

Mr N M Joshi."

and with your permission, Sir, I should like to add also the name of Colonel Crawford. Sir, my Honourable friend Mr. Yakub has already signified

his approval of my amendment. Another House which sits somewhere on the other side of the hill passed a Resolution in that House during the last Session whereby they enhanced the privileges they have been enjoying all along.

Whether that House is a representative House is the question and this House will never give that House the privilege of being called a representative House. The Members of the other House enjoy the title of "Honourable". I hope this Committee, when it deliberates, will see how far they are Honourable gentlemen We are all Honourable gentlemen. The title "Honourable" should be dropped in the case of Members of both Houses. If the Members of the other House enjoy such benefits, the Members of this House are equally entitled to enjoy them. Regarding allowances, I am not particular whether I get any allowance or not, but I do not like that there should be any differentiation between this House and the other House, which is so particular, like old women, about its privileges and allowances. I hope the Committee will go into the question of allowances. There should be no differentiation between the other House and this House, which, if I may be allowed to say so, is representative of the people of India and the Parliament of India ; and if this House has its own way, the other House should not exist at all

Regarding the three names I have suggested, I have suggested Mr. Neogy's name and Mr. Joshi's name as they were Members of the first Assembly after the Reforms, and as we are going to consider the privileges and status of Members, it is best that Honourable Members who have fought the battle before us and who know how to extract a certain amount of privilege from the Government should be there. I have suggested Colonel Crawford's name, a member of European group, to add to the representative character of this Committee With these remarks, I commend by amendment.

Mr. President : What is the third name ?

Mr. B. Das : Colonel Crawford

Mr. President : The question is that the names of Mr. K. C. Neogy... ..

The Honourable Mr J. Crerar (Home Member) Sir, I wish to speak

Mr. President · On the question of adding names ?

The Honourable Mr. J Crerar · On the amendment

Mr President : The question is :

"That the names of Mr. K. C Neogy, Mr N M Joshi and Colonel Crawford be added to the Committee "

The motion was adopted

The Honourable Mr. J. Crerar : Sir, I should like to say a few words both on Mr. Das's amendment and on the motion. In the first instance, I will deal very briefly with the motion itself. As the Honourable the Mover pointed out, this question was one of the questions dealt with by the Reforms Enquiry Committee, and on receipt of their recommendations the Government of India took the action which they at that time thought proper to take and certain legislation was passed. That appeared to the Government of India what was necessary to do in th

[Mr. J. Crerar.]

present state of affairs. It may that as a result of the enquiry by the Statutory Commission, changes may be made in the constitution of this country which would render reconsideration of the subject matter of this motion necessary. But, as matters at present stand, the view of Government is that it would be premature to make the enquiry suggested by the Honourable Member. We do not intend as a matter of fact to oppose the motion. but we wish to make it quite clear that we cannot lend our support to it In particular, though the Government of India will be glad to hear what views are entertained on these important matters, matters on which non-official Members of this House are certainly entitled and expected to have opinions of their own, while they will be glad to receive these opinions, they do not think that it would be proper that members of the Government should themselves be associated in the deliberations of the Committee. Consequently we cannot agree to the inclusion in this Committee of members of Government

Secondly, with regard to the amendment moved by Mr. Das, we consider that it would be undesirable and in fact inadmissible that this Committee should go into questions relating to the allowances of Members ; it raises specifically financial questions. Subject to these remarks, the position of Government, I reiterate, is this. If this motion commends itself to the House, though we consider that it is premature, though we are not prepared to give it support, we at the same time are not prepared definitely to oppose it. We cannot agree to the inclusion of allowances of Members as a matter to be dealt with by the Committee and we cannot agree that members of Government should be members of the Committee.

Maulvi Muhammad Yakub : Sir, I am glad that the Honourable the Home Member has at least declared that Government members are not going to oppose my motion But, Sir, really I consider that the points raised by the Honourable the Home Member in his speech are self-contradictory. In the first place, he says that he considers this motion premature, because the Royal Commission will soon be coming and the whole question will be revised ; and in the same breath the Honourable Member says that the commission would like to know the opinion of the Members of this House on this question Now, Sir, unless a motion like this is accepted by the House, unless the question comes before the House and a report is made by the Committee, how will the Statutory Commission be in possession of the views of the Members of this House ? On the very ground which the Honourable the Home Member has pressed I consider that this is exactly the proper time when this motion ought to be moved and accepted by this House, because we are on the eve of the Statutory Commission, and if really the Commission would like to know the views of Honourable Members of this House on the question of their privileges and status, this is really the time when this question should be discussed, so that our report may be ready before the Commission has arrived.

As regards the inclusion of Government members on this Committee, personally I thought that at least there are certain questions on which the Members on this side of the House and the Members on the treasury benches can co-operate with each other, but if the Honourable the Home Member considers that the members of the Government cannot take part

in our discussions, that is to say, they do not want to give us any help in the matter of the status and privileges of the Members of this House, we on this side of the House are not very eager to have them on our Committee.

Mr. President: Does Mr. Das wish to press his amendment or would he like to leave the motion as it is, unamended ?

Mr. B. Das: May I ask the Honourable the Home Member.....

Mr. President: Government are going to oppose that amendment.

Mr. B. Das: I may point out that it may lead to a reduction of the allowances, and not to a recommendation for increase

Mr. President: Is it the pleasure of this House that leave be given to Mr. Das to withdraw his amendment, namely :

"That after the words 'to enquire into the privileges' the word 'allowances' be inserted ? "

As no Member objected, the amendment was, by leave of the Assembly, withdrawn.

Mr. President: The question is :

"That this Assembly do appoint a Committee under the Chairmanship of the Honourable the President and consisting of the Honourable Members named below, to enquire into the privileges and status of Members of this Assembly and to make recommendations '

Mr. K. C. Roy,
Nawab Sir Sahibzada Abdul Qaiyum,
Pandit Motilal Nehru,
Lala Lajpat Rai,
Mr. M A. Jinnah,
Mr R. K Shanmukham Chetty,
Pandit Madan Mohan Malaviya,
Sir Purshotamdas Thakurdas,
Mr. K. V. Rangaswami Ayyangar,
Mr. K C. Neogy,
Mr N. M. Joshi,
Col. J. D. Crawford, and
the Mover "

The motion was adopted

Mr. President: This House now stands adjourned *sine die*

The Assembly then adjourned *sine die*.

APPENDIX B.*

Translation of the Urdu Speech of Khan Bahadur Makhdum Syed Rajan Bakhsh Shah (South West Punjab : Muhammadan).

Khan Bahadur Makhdum Syed Rajan Bakhsh Shah (South West Punjab : Muhammadan) Mr President, first of all allow me to thank you for giving me an opportunity to speak It was very necessary that I should speak about two things , firstly, because this is a religious Bill and secondly, that the Urdu language may not be deprived of its share of such a good deed done within the four walls of this Chamber.

The primary duty of every Government is to keep peace in the country and the Government which neglects this duty is not fit to govern.

The present Bill which has been introduced in this House by the Honourable the Home Member goes to prove that the Government has some regard for the country's good.

The need for the Bill arose because, owing to the bad luck of the country, a Judge of the Lahore High Court let off a man by the name of Rajpal who had hurt the feelings of His Majesty's innumerable subjects by his very mean acts. Section 153 has always been applied to such offences as the one committed by Rajpal. All the High Courts considered this section to be quite sufficient The subject matter in the cases of "*Vichatar Jiwan*", "*Vartman*" and Rajpal were identical in each case. Mr. Justice Dalal of the Allahabad High Court and the Divisional Bench of the Lahore High Court sentenced the accused under this very section, but Justice Dalip Singh let off the accused

Although practically the Rajpal decision can have no standing against the decisions of such experienced and learned Judges, still the subordinate Courts, acting on the Rajpal decision, which has not been set aside as yet, can only produce bad results in the country

I cannot understand why a few Honourable Members are opposing this Bill and think it to be a Muslim Bill There is no doubt that the Bill is being brought in because a Judge of a High Court let off a Hindu accused who had used obscene language and the worst possible expressions against Islam and its Founder. Indian Muhammadans expressed their resentment at this and requested the Government either to set aside such a wonderful decision and to dismiss the Judge who had hurt the feelings of crores of Muhammadans, or to remove the defect, if there be any in reality, in the present law.

The Honourable Members who are opposing the present Bill mean to say that the present law is quite sufficient If it is so, Mr. Justice Dalip Singh has committed such an error as was not to be expected of a Judge of a High Court

Mr President. The Honourable Member is not justified in criticising the judgment of the High Court.

Khan Bahadur Makhdum Syed Rajan Bakhsh Shah : Will the Honourable Members blame the Hindu Press which is upholding the Rajpal decision with all its strength? If not, what then does the opposition to this Bill mean ? Our Hindu brothers would have done much better if

* *Vide* page 4598 of these proceedings.

they had, along with the Muhammadans, asked the Government to appeal to a full Bench against such a dangerous decision and to have it set aside. In that case there would have been no necessity for this Bill ; but that was not done The Rajpal decision is at the bottom of this Bill Has this Bill been brought in to save only Islam from the attacks made on it ? Certainly not. It has been introduced to save all religions from such attacks.

I very much blame every person who vilifies the religion of another. I was quite surprised to hear from the Honourable Mr Amar Nath Dutt that the Government was siding with the Muhammadans in an unfair manner. In the first place, keeping the pitiable state of the country in view, the Honourable Member should not have used such irresponsible expressions.

Secondly, when the Hindu-Muslim Unity Conference is taking place in Simla, the utterance of such bigoted sentiments by an Honourable Member is wholly undesirable.

Mr. Amar Nath Dutt . On a point of order, Sir, I do not follow the Honourable Member, but I am told that some reference was made to my speech in a way not consistent with the dignity of the House

Mr President Syed Rajan Bakhsh Shah

Khan Bahadur Makhdum Syed Rajan Bakhsh Shah The Muhammadans have much to complain of against the present policy of the Government and they have reason to do so, when in every province of the country their rights are being trampled upon and the Government is quite callous about it. For instance look at the unsatisfactory reply the Honourable the Home Member gave in response to my query in this Chamber to day

It has been said that the Muhammadans who were self-seekers or promoters of discord have alone engineered this Rajpal decision agitation I can assure the Honourable Members that the Muhammadans of every school of thought from one end to the other of the country whether they were Swarajists, Moderates or pro-Government, took part in it thinking it to be a religious duty, because no Muhammadan will ever tolerate the finger of derision being pointed at his true Prophet

The Government and this Honourable House should remember that the Muhammadans will sacrifice their lives and property but they will never suffer a word to be said against the honour of their Holy Prophet.

Maulvi Muhammad Yakub . Sir, the Honourable Member is not talking on the Bill but is making irrelevant remarks

Mr. President Syed Rajan Bakhsh Shah

Khan Bahadur Makhdum Syed Rajan Bakhsh Shah With all the force I can command I support this Bill, as introduced by the Honourable the Home Member and as amended by the Select Committee

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